UNITED
NATIONS

Framework Convention on
Climate Change

Distr.
GENERAL

FCCC/CP/1996/1
5 July 1996

Original: ENGLISH

CONFERENCE OF THE PARTIES
Second session
Geneva, 9 - 16 July 1996
Item 4 (c) and (f) of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK*

Note by the Executive Secretary

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* A note on the ministerial round table is contained in document FCCC/CP/1996/1/Add.1. The list of documents for the second session of the conference of the Parties and sessions of subsidiary bodies is contained in document FCCC/CP/1996/1/Add.2.

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I. PROVISIONAL AGENDA

1. Rule 9 of the draft rules of procedure provides that, "in agreement with the President, the secretariat shall draft the provisional agenda of each session." In this connection, the Bureau, at its meeting on 31 October 1995, decided that the secretariat should proceed with the preparation of a draft provisional agenda for the second session of the Conference of the Parties (COP 2) that would be kept under review by the Bureau and included in the document on arrangements for COP 2 to be submitted to the Subsidiary Body for Implementation at its second session (FCCC/SBI/1996/8).

2. At its second session, held from 27 February to 8 March 1996, the SBI requested the Executive Secretary to proceed with the organizational preparations for COP 2 on the basis of the proposals contained in document FCCC/SBI/1996/8 concerning, *inter alia*, the provisional agenda, the schedule of meetings and the admission of organizations as observers.

3. Accordingly, after consultations with the President of the Conference of the Parties at its first session (COP 1), as well as with other members of the Bureau of the COP and the President-designate of COP 2, the provisional agenda has been drawn up and is presented for adoption as follows:

1. Opening of the Conference.

2. Election of the President.

3. Statements:

   (a) Statements at the opening of the session;

   (b) Other statements.

4. Organizational matters:

   (a) Status of ratification of the Convention, including declarations made under Article 4.2(g);

   (b) Adoption of the rules of procedure;

   (c) Adoption of the agenda;

   (d) Election of officers other than the President;

   (e) Admission of organizations as observers;

(f) Organization of work;

(g) Calendar of meetings of Convention bodies 1996-1997;

(h) Date and venue of the third session of the Conference of the Parties;

(i) Adoption of the report on credentials.

5. Review of the implementation of the Convention and of decisions of the first session of the Conference of the Parties, including:

(a) Commitments in Article 4;

(b) The Berlin Mandate process: taking stock and intensifying efforts;

(c) Development and transfer of technologies (Article 4.1(c) and 4.5);

(d) Activities implemented jointly: annual review of progress under the pilot phase.

6. Decisions to promote the effective implementation of the Convention:

(a) Communications by Parties:

(i) Communications from Annex I Parties: guidelines, schedule and process for consideration;

(ii) Communications from the Parties not included in Annex I: guidelines, facilitation and process for consideration;

(b) Financial mechanism:

(i) Guidance to the Global Environment Facility;

(ii) Memorandum of Understanding between the Conference of the Parties and the Council of the Global Environment Facility.

7. Reports of other subsidiary bodies: action on conclusions and guidance on future work:

(a) Report of the Subsidiary Body for Scientific and Technological Advice (SBSTA);

(b) Report of the Subsidiary Body for Implementation (SBI);

(c) Report of the Ad Hoc Group on Article 13 (AG13).

8. Administrative and financial matters:

(a) Establishment of the permanent secretariat and arrangements for its functioning;

(b) Income and budget performance, and resource deployment for 1997.

9. Other matters.

10. Conclusion of the session:

(a) Adoption of the report of the Conference of the Parties on its second session;

(b) Closure of the session.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK

4. The Conference of the Parties to the United Nations Framework Convention on Climate Change will hold its second session from 8 to 19 July 1996, concurrently with sessions of the subsidiary bodies. Participants in the Conference will be able to attend the plenary meetings of the Conference, the sessions of the subsidiary bodies, and the ministerial segment of the Conference. Together with the comprehensive programme of work that lies ahead of each of those bodies, there will be a voluminous amount of documentation that will need to be considered and acted upon during the session.

5. In an attempt to facilitate the work of the session, the secretariat has sought to integrate the annotations to the provisional agenda of COP 2 with the annotations to the agendas of the subsidiary bodies. The annotations to each COP agenda item refer not only to mandate(s) emanating from the first session of the Conference of the Parties on that subject, but also to decisions and recommendations of the subsidiary bodies that may have a bearing upon that particular item. For a comprehensive picture of the action to be taken by a subsidiary body on a given item, the reader is provided with a cross-reference to that item and the respective annotations in the agenda of the subsidiary body. The agendas and annotations of the four subsidiary bodies are contained in annexes I to IV to this note. It is hoped that this approach will be helpful in providing participants with an overview of the interactions between the COP and the subsidiary bodies.

1. Opening of the Conference

6. The Conference of the Parties to the United Nations Framework Convention on Climate Change will hold its second session from 8 to 19 July 1996. In accordance with rule 3 of the draft rules of procedure being applied by the Conference of the Parties, the session will be held at the Palais des Nations, Geneva.

7. Pursuant to rule 26 of the draft rules of procedure, the session will be opened by Ms. Angela Merkel, Federal Minister for the Environment, Nature Conservation and Nuclear Safety of the Federal Republic of Germany, in her capacity as President of the Conference of the Parties at its first session. The session will be opened on Monday, 8 July 1996, at 10 a.m., in the Salle des Assemblées, Palais des Nations (building A, third floor). The outgoing President will make a statement.

2. Election of the President

8. The Subsidiary Body for Implementation (SBI), at its second session, held from 27 February to 8 March 1996, applauded the nomination by the Group of African States of the Minister of Environment and Tourism of Zimbabwe for the Presidency of COP 2. It took note with satisfaction of the statement by the delegate of Zimbabwe accepting the nomination. Accordingly, the outgoing President will call for the election of Mr. Chen Chimutengwende,

Minister of Environment and Tourism of Zimbabwe, as President of the Conference of the Parties at its second session. The newly elected President will make a statement.

3. Statements

(a) Statements at the opening of the session

9. The Under-Secretary-General of the United Nations Department for Policy Coordination and Sustainable Development (DPCSD) will deliver a message on behalf of the Secretary-General of the United Nations.

10. Mr. Claude Haegi, State Councillor, Republic and Canton of Geneva, will deliver a message on behalf of the Geneva authorities.

11. The Executive Secretary will make a statement.

12. The following heads of partner organizations of the United Nations system have been invited to address the Conference at the opening of the session:

- the Secretary-General of the World Meteorological Organization (WMO);
- the Administrator of the United Nations Development Programme (UNDP);
- the Executive Director of the United Nations Environment Programme (UNEP).

13. The Administrator of the UNDP has informed the Executive Secretary that he will be unable to accept the invitation owing to previous commitments.

14. The Chairpersons of the following bodies in the United Nations system whose work is relevant to the Convention have also been invited to make statements at this time:

- the United Nations Commission on Sustainable Development (CSD);
- the WMO/UNEP Intergovernmental Panel on Climate Change (IPCC);
- the Global Environment Facility (GEF).
- the International Civil Aviation Organization (ICAO);

15. In addition, the Executive Director of the International Energy Agency (IEA) of the Organisation for Economic Co-operation and Development (OECD) has been invited to make a statement.

(b) Other statements

16. As was the case at COP 1, statements under this sub-item may be made by:

- heads of delegations of States not parties to the Convention, other than ministers;

- representatives of United Nations bodies, specialized agencies and related organizations;
- representatives of organizations admitted as observers in accordance with Article 7.6 of the Convention (see the annotation to item 4(e) of the provisional agenda).

(Ministers and other heads of delegation of Parties will have the opportunity to address the Conference of the Parties during the ministerial segment that will be held on 17 and 18 July 1996 (see annotations to item (f), section (v)).

17. It is hoped that statements under sub-item 3 (b) will commence at the first plenary meeting and be concluded at the second meeting in the afternoon of Monday, 8 July 1996. Their duration will need to be limited to fit into the time available.

18. As regards statements by representatives of organizations admitted as observers, on the basis of past experience it can be expected that such statements will be made by representatives of intergovernmental organizations, as well as by one or two representatives each of environmental non-governmental organizations, and of non-governmental organizations representing, respectively, the business and industry community, municipal leaders and local authorities, and parliamentarians.

4. Organizational matters

(a) Status of ratification of the Convention, including declarations made under Article 4.2(g)

19. A status report on the ratification of the Convention will be before the Conference for its information (FCCC/CP/1996/INF.1).

20. For each State that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention enters into force on the ninetieth day after the date of deposit with the Depositary of its instrument of ratification, acceptance, approval or accession. Consequently, the Parties as at the opening of COP 2 on 8 July 1996 will be the 155 States and the regional economic integration organization that had deposited such instruments by 9 April 1996. In this connection, the SBI, at its second session, "urged States that had not taken action to become Parties to the Convention to deposit their instruments of ratification or accession by 9 April 1996, so as to be able to participate in COP 2 as Parties from the opening day". On 25 March 1996, the Executive Secretary also sent a communication to States signatories of the Convention drawing their attention to the deadline of 9 April 1996.

21. It should be further noted that Qatar and the United Republic of Tanzania, which deposited their instruments in the period between 9 and 19 April 1996, will become Parties during COP 2, thus bringing the total number of Parties to 158. States that have deposited or

will deposit such instruments after the latter date will not become Parties until after the closure of the session.

22. As regards declarations made under Article 4.2(g) of the Convention, the Depositary has received three such declarations from the following countries: the Czech Republic, Monaco and Slovakia. The Conference of the Parties may wish to take note of these declarations.

23. In connection with the declarations of the Czech Republic and Slovakia, it should be noted that both Parties in their declarations requested that the name of Czechoslovakia be deleted from Annex I to the Convention as Czechoslovakia has never been a Party to the Convention and it no longer exists as a State entity, and that the names, respectively, of the Czech Republic and the Slovak Republic be included in Annex I. The secretariat of the Convention is seeking the advice of the United Nations Office of Legal Affairs on this matter. The Conference of the Parties may wish to take note of this and request the secretariat to report, in due time, to the Parties to the Convention, through the Subsidiary Body for Implementation, on the results of its consultations with the United Nations Office of Legal Affairs, and on any action taken in this respect by the Depositary of the Convention.

24. No provision is made for statements under this sub-item; relevant information may be communicated under item 3 (b) or in statements made during the ministerial segment. In addition, delegations of Governments that have not ratified or acceded to the Convention are invited to inform the secretariat, in writing, of their Governments' plans to do so.

(b) Adoption of the rules of procedure

25. According to Article 7.2(k) of the Convention, the COP "shall agree upon and adopt, by consensus, rules of procedure ... for itself and for any subsidiary bodies". It will be recalled that, at its first session, the COP, on the proposal of the President, decided to apply the draft rules of procedure contained in document A/AC.237/L.22/Rev.2, as amended by document FCCC/CP/1995/2, with the exception of draft rule 42. It was further agreed that the President of the COP would conduct informal consultations on the matter of the draft rules of procedure (see FCCC/CP/1995/7, paras. 9-14).

26. At the 10th and final plenary meeting of COP 1, on 7 April 1995, the Conference agreed to transmit the draft rules of procedure to its second session for further consideration. The COP further agreed that the President would report to COP 2 on the consultations to be undertaken, under her guidance, with a view to advancing consensus on the draft rules of procedure before the second session of the COP.

27. It should be further recalled that, in accordance with rule 27 of the draft rules of procedure, the rules of procedure of the Conference of the Parties shall apply, *mutatis mutandis*, to its subsidiary bodies. Thus, the draft rules of procedure, with the exception of rule 42, have been applied to all subsidiary bodies.

28. The Conference of the Parties will have before it document FCCC/CP/1996/2 containing the complete text of the draft rules of procedure. The President of the COP at its first session will present an oral report on her consultations on the draft rules of procedure. (It is possible that this report will be presented as part of her statement under item 1.)

29. The COP is invited to adopt by consensus, at the start of its second session, rules of procedure for itself and its subsidiary bodies. Representatives of Parties are urged to undertake consultations to this end before the session.

(c) Adoption of the agenda

30. The provisional agenda for COP 2, prepared in accordance with rule 9 of the draft rules of procedure of the Conference of the Parties, is presented for adoption (see section I of this document).

31. A list of documents relating to the provisional agenda, as well as other documents available at the session, is contained in document FCCC/CP/1996/1/Add.2.

(d) Election of officers other than the President

(i) Election of officers of the Conference of the Parties other than the President

32. Rule 22 of the draft rules of procedure provides that "at the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing States. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups." Rule 22 further states that "no officer may serve on the Bureau for more than two consecutive terms of one year."

33. In considering the arrangements for the second session of the Conference of the Parties, the SBI, at its second session, received the following candidatures for posts of officers of the Bureau of COP 2 other than the President:

(a) From the Group of African States: for the post of Chairman of the SBI, Mr. Mohamed M. Ould El Ghaouth (Mauritania);

(b) From the Group of Eastern European States: for the posts of one Vice-President (Russian Federation) and Chairman of the SBSTA, Mr. Tibor Faragó (Hungary);

(c) From the Group of Western European and Other States: for two posts of Vice-President, Mr. Anthony Clarke (Canada) and Ms. Cornelia Quennet-Thielen (Germany);

(d) From the Alliance of Small Island States (AOSIS): for the post of one Vice-President, Mr. Tuiloma Neroni Slade (Samoa).

34. No nominations were received from the Group of Asian States and the Group of Latin American and Caribbean States at that time. No candidate was put forward by any group for the post of Rapporteur.

35. The SBI at its second session invited the President of COP 1 to conduct further consultations on the election of officers of the Bureau, possibly in conjunction with the fourth session of the Commission on Sustainable Development, New York, 18 April to 3 May 1996 (FCCC/SBI/1996/9, para. 75). It invited those regional groups that had not submitted nominations for the election of officers to convey them to the Executive Secretary before 18 April 1996 in order to enable him to forward them to the President of the COP.

36. The President of the COP, with the support of the Chairman of the SBI, held consultations on the occasion of the fourth session of the Commission on Sustainable Development but no new nominations were presented then. The Executive Secretary has since been in contact with the Group of Asian States and the Group of Latin American and Caribbean States with a view to eliciting nominations from those two regional groups.

37. It is hoped that a complete list of candidates for the Bureau of COP 2 will be before the Conference at its opening plenary meeting and that the Conference will adopt the list by consensus.

(ii) Election of other officers of subsidiary bodies

38. It will be recalled that, at its first session, the Conference of the Parties designated Mr. Raúl Estrada-Oyuela of Argentina as Chairman of the Ad Hoc Group on the Berlin Mandate (AGBM), and authorized him to undertake consultations with the regional groups in respect of nominations for the Bureau of the AGBM (FCCC/CP/1995/7, para. 18). At its third session, the AGBM elected Mr. Daniel Reifsnyder of the United States of America and Mr. Suphavit Piamphongsant of Thailand as Vice-Chairmen, with one of them serving also as Rapporteur, invited the Chairmen of the SBSTA and the SBI to serve as ex-officio members of the AGBM Bureau, and designated six "advisers" to participate in meetings of the AGBM Bureau on an equal footing with the elected and ex-officio members (FCCC/AGBM/1996/5, paras. 13-17).

39. Furthermore, the President of the COP at its first session informed the Conference that she would undertake consultations on the designation of the Chairman of the Ad Hoc Group on Article 13 (FCCC/CP/1995/7, para. 20). As a result of these consultations,

Mr. Patrick Szell of the United Kingdom of Great Britain and Northern Ireland was designated Chairman of the AG13 and this designation was formally approved by the Group at its first session.

40. In the light of the above, it will be necessary to elect the Vice-Chairmen and the Rapporteurs of the SBSTA and the SBI, as well as the officers of the AG13 other than the Chairman. Rule 27 of the draft rules of procedure, as applied, provides that "each subsidiary body shall elect its own Vice-Chairman and Rapporteur." It is proposed that, if there is agreement on the nominations for these officers of subsidiary bodies, the precedent of COP 1 be followed so as to allow the whole list of officers to be elected directly by the Conference in plenary session, hopefully at the first meeting.

(e) Admission of organizations as observers

41. The admission of intergovernmental and non-governmental organizations as observers is governed by Article 7.6 of the Convention, which provides, *inter alia*, that "any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object."

42. At its first session, the COP agreed (FCCC/CP/1995/7, para. 22), on the proposal of the President, that the secretariat should invite to the future sessions of the Conference and of its subsidiary bodies all intergovernmental and non-governmental organizations admitted at that session and at future sessions, unless an objection was raised to any particular organization in accordance with the Convention and the rules of procedure. Consequently, all the organizations admitted to the first session have been invited to attend the second session, and the procedure for admission to the Conference of the Parties will apply to new applicants only.

43. To this end, the SBI, at its second session, requested that, following the precedent of COP 1, the secretariat prepare a list of intergovernmental and non-governmental organizations having expressed a wish to be invited to COP 2, for consideration by the Conference at the start of the session. In drawing up the list, the secretariat was to take due account of the provisions of Article 7.6 and of the established practice whereby non-governmental organizations are required to furnish proof of their non-profit (tax-exempt) status in a State Member of the United Nations or of a specialized agency or of the International Atomic Energy Agency. The list would also include all organizations that had requested and been accorded provisional admission to the work of the subsidiary bodies since COP 1.

44. The SBI also requested the COP Bureau to consider the list of applicants prior to the second session with a view to establishing that the organizations contained in the list met all requirements, and it authorized the secretariat to advise those applicants of their

"pre-admittance status", on the understanding that the final authority for the admission of observers rests with the COP.

45. In this connection, the Executive Secretary, in his notification of COP 2 to intergovernmental and non-governmental organizations admitted at COP 1, encouraged those organizations to share the above information with any eligible organization interested in participating in COP 2 in an observer capacity. A deadline of 30 May 1996 was established for the Executive Secretary to receive, in writing, any such requests from new applicants.

46. At its first plenary meeting, the Conference will have before it for approval document FCCC/CP/1996/3, containing a list of organizations that have expressed such a wish. This list has been reviewed by the Bureau of the COP.

(f) Organization of work

(i) Purpose of the session

47. Article 7.2 of the Convention provides that "the Conference of the Parties, as the supreme body of [the] Convention, shall keep under regular review the implementation of the Convention ... and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention."

(ii) Organization of COP 2

48. COP 2 will meet in conjunction with its four subsidiary bodies, namely, the Subsidiary Body for Scientific and Technological Advice, the Subsidiary Body for Implementation, the Ad Hoc Group on the Berlin Mandate and the Ad Hoc Group on Article 13. Consequently, it is desirable to consider the organization of work of all five bodies in an integrated manner. The plenary will be suspended after its second meeting on Monday afternoon, 8 July, after having considered most issues under agenda items 1 to 4 inclusive, to allow for the subsidiary bodies to meet in the period 9 to 16 July. No further plenary meeting is scheduled during this period, though it would be possible to convene a brief meeting, for example if required to deal with organizational or procedural matters, or item 9. The plenary is scheduled to resume on Wednesday morning, 17 July, to address item 5 of the agenda and conclude consideration of all other items. The final plenary meeting is scheduled for Friday afternoon, 19 July.

49. The SBI, at its second session, welcomed the large support given to holding a ministerial segment at COP 2 and concluded that it should be held on 17 and 18 July 1996.

50. The Bureau of the COP, assisted by the chairpersons of the two ad hoc groups, will monitor and guide the work programme of the Conference and the subsidiary bodies. The linkages between the agendas of the five bodies call for a special effort by the Bureau to

ensure consistency and coherence in the outputs of their work. This will be particularly important when the division of responsibilities between the SBSTA and the SBI is not clear (see paragraph 52 below).

(iii) Allocation of tasks

51. Considering that the four subsidiary bodies have had their respective mandates spelled out by COP 1 and are required to report to COP 2 on the implementation of those mandates, it would seem appropriate for COP 2 to act upon the various items on its agenda mainly on the basis of the work done by the subsidiary bodies. It would therefore be useful and expedient for COP 2 to consider most of the items on its agenda, in plenary session, on the basis of either draft decisions submitted to it by the subsidiary bodies, or progress reports from these bodies that clearly indicate where further action by, or mandates from, the COP would be needed. To this end, the COP at its first plenary meeting may consider allocating agenda items 5, 6 and 8 to the subsidiary bodies, in accordance with their specific mandates. That would allow the subsidiary bodies sufficient time to carry out their work. The annotations to items 5, 6 and 8 found below provide advice to the COP on how to allocate the items to the subsidiary bodies.

52. In this connection, it is expected that a number of agenda items will be taken up by both the SBSTA and the SBI. In cases where the division of a subject between the SBSTA and the SBI is clear (e.g. item 6 (a) of the provisional agenda), it should be possible for the different elements of the subject to be allocated to each of these bodies, which could - through appropriate concertation between their Chairmen - either produce separate but consistent draft decisions for adoption by the COP; or consolidate the elements into one draft decision, after they have been separately formulated; or undertake a joint exercise to produce a single draft decision, *ab initio*. In cases where the shared responsibility of the SBSTA and the SBI does not lend itself to such a clear division of labour (e.g. items 5 (c) and 5 (d) of the provisional agenda), the COP may wish to request the Chairmen of the two subsidiary bodies to propose to the Bureau the best manner in which such items might be handled, and to consider whether a coordinated or integrated approach could be pursued by the two bodies on those items.

53. Should further work prove necessary on any given item after the subsidiary bodies have ended their sessions, the COP may wish to delegate such work, as appropriate, to ad hoc mechanisms such as contact groups. Plenary meetings are scheduled for 19 July to allow the COP to adopt decisions and conclusions.

54. Furthermore, the COP may wish to consider how to respond to the request from the SBSTA for guidance on the establishment of intergovernmental technical advisory panel(s) (ITAPs). At its second session, the SBSTA recognized that such panel(s) had the potential to make an important contribution to the processes under the Convention and to the implementation of the Convention by the Parties, in particular by providing an opportunity to draw upon the broad range of expertise available in Parties. However, at that stage, the

SBSTA was unable to agree on the modalities for such a panel. In the context of its request for guidance, it requested its Chairman to report to the COP (FCCC/SBSTA/1996/8, para. 16). The Chairman of the SBSTA will therefore do so. The COP may wish to consider requesting the SBSTA to revert to the question of the establishment of ITAPs, at a future session to be specified, in the light of any experience gained from the operation of a roster of experts.

(iv) Schedule of meetings

55. A schedule of meetings is contained in annex V to this document. The scheduling of meetings during COP 2 is based on the availability of conference servicing facilities during normal working hours. Given the heavy workload of COP 2, including the need for the subsidiary bodies to deal with their specific agendas, provision has been made for the holding of two simultaneous meetings, with full interpretation facilities, in the mornings and in the afternoons of the entire sessional period of 8 to 19 July.

56. Plenary meetings of the COP are scheduled for Monday morning and afternoon, 8 July. In addition, plenary meetings are envisaged for the morning of Wednesday, 17 July, and for the morning, afternoon and, possibly, the evening of Thursday, 18 July, to allow for statements to be made by ministers and other heads of delegation of Parties. The financial implications of providing for a possible evening meeting on the second day of the ministerial segment, Thursday, 18 July, are currently under consideration and would need to be covered from the core budget of the UNFCCC. Wednesday afternoon, 17 July, has been reserved for a ministerial round table on a topic of relevance to the agenda of COP 2. Finally, two plenary meetings are also scheduled for Friday, 19 July, to allow for the COP to finalize discussions and to adopt decisions.

(v) Statements during the ministerial segment

57. Ministers and other heads of delegation of Parties will have the opportunity to address COP 2, under agenda item 5, at the plenary meetings on Wednesday morning, 17 July, and on Thursday, 18 July, in the morning, afternoon and evening, if necessary.

58. In view of the number of Parties and the time available for statements during the ministerial segment, it may be necessary to limit the duration of each statement to some five minutes. Priority will be given to the scheduling of ministerial statements. The COP should set the time limit for statements during the ministerial segment at the start of the session, on the basis of the number of speakers inscribed on the list to be maintained by the secretariat. This would facilitate the preparation of statements for the following week. In order to allow all registered speakers to make their statements within the allocated time, it will be necessary for plenary meetings to start punctually and for ministers and other heads of delegation to speak from their seats in the plenary hall. Inquiries regarding the list of speakers for the

ministerial segment may be addressed to Mr. Kevin Hill, Assistant to the Secretary of COP 2, UNFCCC secretariat, telephone number (41-22) 979-9353, fax number (41-22) 979-9034.

(vi) Ministerial round table

59. A ministerial round table on a topic of relevance to the COP 2 agenda will be held on Wednesday, 17 July, in the afternoon. The President-designate of the COP has invited Ms. Ruth Dreifuss, Federal Councillor and Minister for the Environment of Switzerland, to chair the round table. Further information on the round table is contained in document FCCC/CP/1996/1/Add.1.

(g) Calendar of meetings of Convention bodies 1996-1997

60. At its meeting held on 2 March 1996, the Bureau of the COP recommended that further sessions of Convention bodies should be scheduled as follows:

- Ad Hoc Group on the Berlin Mandate
  . Fifth session - 9 to 13 December 1996
  . Sixth session - 3 to 7 March 1997
  . Seventh session - third quarter of 1997
  . Eighth session (concurrent with COP 3) - fourth quarter of 1997

- Ad Hoc Group on Article 13
  . Third session - 16 to 18 December 1996
  . Fourth session - in the period 24 February to 7 March 1997

- Subsidiary Body for Scientific and Technological Advice
  . Fourth session - 16 to 18 December 1996
  . Fifth session - 24 to 28 February 1997

- Subsidiary Body for Implementation
  . Fourth session - 24 to 28 February 1997

61. It is clear that the SBSTA and the SBI, and possibly also the AG13, will need to hold a further session in 1997. These sessions could be held in the third quarter of 1997, with a view, *inter alia*, to ensuring that draft decisions for adoption by the Conference of the Parties at its third session (COP 3) are available well before the session of the Conference. The Conference of the Parties may wish to request the Bureau to review the schedule in the light of the needs of the subsidiary bodies and of the experience gained in organizing COP 2 and to guide the Convention secretariat in making arrangements for the 1997 sessions of the Conference of the Parties and its subsidiary bodies.

(h) Date and venue of the third session of the Conference of the Parties

62. Rule 4, paragraph 2, of the draft rules of procedure being applied, specifies that "at each ordinary session, the Conference of the Parties shall decide on the date and duration of the next ordinary session". The following provisions are also relevant to a decision by the COP on the date and venue of the third session of the Conference of the Parties:

(a) Article 7.4 of the Convention, which establishes that "ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties";

(b) Rule 3 of the draft rules of procedure, being applied, which states that "the sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties";

(c) Any offers from Parties to host COP 3 and cover the incremental costs thereof, in accordance with United Nations practice.

63. The Conference of the Parties may recall that, by its decision 21/CP.1, it took note of the interest expressed by the Government of Japan in hosting the third or a subsequent session of the Conference of the Parties (FCCC/CP/1995/7/Add.1). This interest has been maintained in subsequent statements by the Japanese delegation. In this connection, an exploratory mission to Japan was undertaken by a senior officer of the secretariat in May 1996, with a view to evaluating the suitability of various conference facilities available in that country to accommodate the demands of concurrent sessions of the Conference of the Parties and its subsidiary bodies. The Japanese delegation has since informed the Executive Secretary by a note verbale dated 31 May 1996 that, at a Cabinet meeting held in Japan on 28 May 1996, "the understanding was adopted by the Cabinet that the Government intends to host the third session of the Conference of the Parties". Further clarification on this point is expected at COP 2. Should a formal offer to host COP 3 be made at that time, the Conference would need to adopt an appropriate decision on the date and venue of that session. The need for time to make arrangements for COP 3 argues against any further postponement of a decision on the country in which it will take place.

(j) Adoption of the report on credentials

64. According to rule 19 of the draft rules of procedure being applied, the credentials of representatives of Parties, as well as the names of alternate representatives and advisers, shall be submitted to the secretariat not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by

the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. The Bureau of COP 2 shall examine the credentials and submit its report to the Conference (see rule 20 of the draft rules of procedure). Representatives shall be entitled to participate provisionally in the session, pending a decision by the COP to accept their credentials (see rule 21 of the draft rules of procedure). The Conference will have before it for adoption the report on credentials to be submitted by the Bureau.

5. Review of the implementation of the Convention and of decisions of the first session of the Conference of the Parties

65. Under Article 7.2(a), the Conference of the Parties shall "periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge".

66. Item 5 of the provisional agenda is intended to respond to this provision and to be the main focus of statements by ministers and other heads of delegation of Parties during the ministerial segment. The formulation of this item, with its four sub-items, also seeks to encompass the range of interests demonstrated by Parties and to give an opportunity for a broad, high-level review of implementation. Inputs from the subsidiary bodies in response to the tasks assigned to them will support this review. While this item (unlike other items of the agenda) is not primarily designed to produce specific decisions, it can be used as the framework for any outcome that may emerge from the ministerial deliberations at the session. It also provides a background to the ministerial round table.

67. In addition, some of the sub-items under item 5 are required specifically to be reviewed by the Conference of the Parties at its second session in response either to provisions of the Convention or to decisions adopted by the Conference at its first session and will be referred to the corresponding subsidiary bodies for consideration.

68. The Second Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) is considered by the SBSTA to be the most comprehensive assessment of available scientific and technical information related to climate change (FCCC/SBSTA/1996/8, para. 28). Therefore it is particularly relevant to Article 7.2(a) and to different aspects of item 5 of the agenda. The IPCC Second Assessment Report is available under cover of document FCCC/CP/1996/10 (which is also identified by the symbol FCCC/SBSTA/1996/12). A "road-map" to the Report is provided in document FCCC/CP/1996/5 and its three addenda (also identified by the symbols FCCC/SBSTA/1996/7/Rev.1 and FCCC/SBSTA/1996/7/Add.1-3/Rev.1). The SBSTA is to consider the Second Assessment Report at its third session, which will be concurrent with COP 2, and it may reach conclusions that will contribute to the consideration of item 5.

(a) Commitments in Article 4

69. Article 7.2 of the Convention provides, *inter alia*, that "the Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention". The COP may wish to consider two procedural options for consideration of this sub-item: (a) it may wish itself to consider it and to arrive at appropriate conclusions; or (b) it may request the SBI to consider the sub-item and recommend draft conclusions for consideration and adoption by the Conference.

70. Substantive documents in connection with this sub-item are: the national communications submitted by Annex I Parties (for the summaries of national communications, see documents in the series FCCC/NC/...); reports on the in-depth reviews of such communications and their respective summaries (see documents in the series FCCC/IDR.1/... and FCCC/IDR.1(SUM)/...); the "Second compilation and synthesis of first national communications by Annex I Parties" (FCCC/CP/1996/12 and Add.1-2); and the report of the Global Environment Facility to the COP at its second session (FCCC/CP/1996/8). The documents emanating directly from the national communications process will also be before the SBSTA and the SBI at their respective third sessions for consideration in the context of item 4 of the SBSTA agenda and item 3 of the SBI agenda. The report of the GEF will also be before the COP under item 6 (b) of its agenda, and before the SBI under item 4 (a) of its agenda, on the financial mechanism.

(b) The Berlin Mandate process: taking stock and intensifying efforts

71. As decided by the Conference of the Parties at its first session (decision 1/CP.1),[1] the Ad Hoc Group on the Berlin Mandate (AGBM) is required to report to the Conference at its second session on the status of its work. It will also be recalled that, at its first session, the AGBM concluded that the second session of the Conference of the Parties would be an opportunity to take stock of the overall process and to intensify the efforts to adopt a protocol or other legal instrument at COP 3 (see FCCC/AGBM/1995/2, para. 19 (e)).

72. At its fourth session, to be held concurrently with COP 2, the AGBM will consider the following substantive agenda items: strengthening the commitments in Article 4.2 (a) and (b); continuing to advance the implementation of Article 4.1; possible features of a protocol or another legal instrument; and its report to COP 2. The provisional agenda for the fourth session of the AGBM and annotations to it are contained in annex III to this note.

73. The Conference may wish to request the AGBM, in preparing its report to COP 2, to include information that will allow the COP to take stock of the overall Berlin Mandate

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[1] For all decisions of the Conference of the Parties at its first session, see FCCC/CP/1995/7/Add.1.

process and to guide the AGBM towards intensifying efforts to adopt a protocol or another legal instrument at COP 3. The COP may also wish to request the AGBM to submit to it draft conclusions on the group's future work, including the calendar and organization of the negotiating process up to COP 3.

74. In considering this item, the Conference may wish to refer also to the IPCC Second Assessment Report (see paragraph 68 above).

(c) Development and transfer of technologies (Article 4.1(c) and 4.5)

75. At its first session, the COP decided, *inter alia*, "to review, at the second session of the Conference of the Parties, and at each session of the Conference of the Parties thereafter, the implementation of Article 4.5 and 4.1(c) of the Convention as a separate agenda item" (decision 13/CP.1).

76. In this connection, the SBSTA at its second session requested the secretariat to undertake a number of activities related to inventorying and assessing environmentally sound and economically viable technology and know-how conducive to mitigating and adapting to climate change (FCCC/SBSTA/1996/8, paras. 83-86). Included in these activities was the preparation of a paper on information related to the terms of transfer of technology and know-how that would address points raised by the COP in its decision 13/CP.1. Furthermore, the SBI at its second session, *inter alia*, agreed to provide continuous advice to improve the operational modalities for the effective transfer of technology, and it requested the SBSTA to prepare recommendations on the guidelines for national communications by Annex I Parties for consideration at the third session of the SBI (FCCC/SBI/1996/9, paras. 50-51).

77. Accordingly, the COP may wish to refer this sub-item to both the SBSTA and the SBI and to request the Chairmen of the two subsidiary bodies to propose to the Bureau a coordinated or integrated approach for the consideration of this subject by those bodies, including with respect to the proposed work programmes of the subsidiary bodies. To support the discussions by the subsidiary bodies on this sub-item, a progress report on technological issues will be available (FCCC/CP/1996/11), as well as further information on the inventory of technologies (FCCC/SBSTA/1996/4/Add.2). Further information on the action to be taken by the subsidiary bodies on this matter may be found in the annotations to the item of the same title contained in the provisional agendas of both bodies (see annexes I and II to this note).

(d) Activities implemented jointly: annual review of progress under the pilot phase

78. It will be recalled that, by its decision 5/CP.1, the Conference of the Parties decided that the SBSTA would, in coordination with the SBI, establish a framework for reporting, in a transparent, well-defined and credible fashion, on the possible global benefits and the national economic, social and environmental impacts as well as any practical experience gained or technical difficulties encountered in activities implemented jointly (AIJ) under the pilot phase.

The decision further provided that the COP would review, at its annual session, the progress of the pilot phase with a view to taking appropriate decisions on its continuation, and that the review would be done on the basis of a synthesis report on the subject to be prepared jointly by the SBSTA and the SBI, with the assistance of the secretariat.

79. At its second session, the SBSTA adopted the initial reporting framework for activities implemented jointly under the pilot phase. Also at its second session, the SBI took note of the SBSTA decision and requested the secretariat to prepare a progress report on activities implemented jointly for its next session to be held immediately prior to the second session of the COP. The progress report, contained in document FCCC/CP/1996/14 and Add.1, *inter alia*, provides information received from Parties on AIJ projects; discusses the usefulness of the reporting framework adopted by the SBSTA vis-à-vis reports received so far; describes AIJ project criteria and programme features; and, in particular, includes proposals for a work plan for the consideration of, and action on, AIJ.

80. As in the case of the preceding sub-item, the COP may wish to refer this sub-item to both the SBSTA and the SBI and to request the Chairmen of the two subsidiary bodies to propose to the Bureau a coordinated or integrated approach for the consideration of this subject by those bodies, including with respect to the proposed work programmes of the subsidiary bodies. Further information on the action to be taken by the subsidiary bodies on this matter may be found in the annotations to the item on AIJ contained in the provisional agendas of both bodies (see annexes I and II to this note).

6. Decisions to promote the effective implementation of the Convention

81. As provided for in Article 7.2 of the Convention, the Conference of the Parties "... shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention ..."

(a) Communications by Parties

(i) Communications from Parties included in Annex I: guidelines, schedule and process for consideration

82. Pursuant to decision 3/CP.1, a report on the guidelines for the preparation of first communications by Parties included in Annex I to the Convention was prepared for the SBSTA, at its second session (FCCC/SBSTA/1996/3). The SBSTA took note of this document and requested the secretariat to prepare a report suggesting possible revisions to the guidelines, taking into account the submissions by Parties and the experience from the review process, for consideration at its third session, aiming at having revised guidelines adopted at COP 2. In this connection, the SBI at its second session, in considering a note by the secretariat on transfer of technology, recognized the need to improve the comprehensiveness, comparability and detail of information provided by Annex II Parties on the transfer of technology and know-how necessary to mitigate and facilitate adequate adaptation to climate

change, and, in this context, requested the SBSTA to prepare recommendations on the guidelines.

83. In the light of the above and taking into account the division of labour between the two subsidiary bodies, the Conference may wish to request the SBSTA to consider possible revisions to the guidelines for the preparation of national communications by Parties included in Annex I and to recommend to it a course of action on this subject.

84. In addition, the COP may wish to request the SBI to consider the schedule for submission of second national communications and the process for consideration of these communications. The SBI may, *inter alia*, make recommendations, on the basis of the current review process of national communications from Annex I Parties, on the organization of a future review process.

85. The SBSTA and the SBI may consider submitting a consolidated recommendation on this sub-item for action by the COP.

86. The main documents that will be available to support the discussions on this sub-item by the two subsidiary bodies are: "Compilation and synthesis of first national communications: executive summary" (FCCC/CP/1996/12); "Compilation and synthesis of first national communications" (FCCC/CP/1996/12/Add.1); "Tables of inventories of anthropogenic emissions and removals in 1990 and projections for 2000" (FCCC/CP/1996/12/Add.2); "Process for review and schedule for submission of national communications from Parties included in Annex I to the Convention" (FCCC/CP/1996/13); and "Proposed revisions to the guidelines for the preparation of national communications by Annex I Parties" (FCCC/SBSTA/1996/9 and Add.1-2). Additional information on the specific action to be taken by the subsidiary bodies on this sub-item may be found in the annotations to the provisional agendas of these bodies contained in annexes I and II to this note.

(ii) Communications from the Parties not included in Annex I: guidelines, facilitation and process for consideration

87. At its first session, the COP requested the SBSTA and the SBI to develop, for consideration by the Conference of the Parties at its second session, recommendations on guidelines for the preparation of national communications from Parties not included in Annex I to the Convention and proposals for the process to consider these communications in accordance with Article 10 of the Convention (decision 8/CP.1). At their respective second sessions, both the SBSTA and the SBI recalled decision 8/CP.1 and took note of document FCCC/SB/1996/3 which examined issues related to the preparation, compilation and consideration of communications. The SBSTA and the SBI also noted with appreciation document FCCC/SB/1996/MISC.1/Add.1, containing the position paper of the Group of 77 and China on recommendations on guidelines and format for the preparation of initial communications from non-Annex I Parties, and considered this document as the principal basis for the adoption and implementation of guidelines and format for the preparation of

initial communications from non-Annex I Parties. The SBSTA decided to continue consideration of the item at its third session.

88. The COP may wish to refer this sub-item to both the SBSTA and the SBI with a view to concluding the work already initiated by the two bodies on this subject. According to the division of labour between the two bodies, the SBSTA would consider the question of guidelines, whereas the SBI would deal with facilitation and the process for consideration of communications. The SBSTA and the SBI may consider submitting a consolidated recommendation on this sub-item for action by the COP.

89. As regards this sub-item, the Conference of the Parties is also reminded of the workshop to be convened by the Group of 77 and China, as a follow-up to an earlier one, to address issues relating to national communications from non-Annex I Parties. The workshop will be held on Monday, 8 July 1996, from 3 p.m. to 6 p.m., in parallel with the second plenary meeting of the COP. It will have full interpretation facilities.

90. Please refer also to the annotations to this item in the provisional agendas of the SBSTA and SBI contained in annexes I and II to this note, and to the annotations to item 4, "Continuing to advance the implementation of Article 4.1", in the provisional agenda for the fourth session of the AGBM (annex III to this note).

(b) Financial mechanism

(i) Guidance to the Global Environment Facility

91. The modalities for the functioning of operational linkages between the COP and the operating entity or entities of the financial mechanism provide, *inter alia*, that the Conference of the Parties should receive and review at each of its sessions a report from the governing body of the operating entity which should include specific information on how it has applied the guidance and decisions of the Conference of the Parties in its work related to the Convention. Accordingly, the Conference of the Parties will have before it a report from the Council of the Global Environment Facility (GEF) contained in document FCCC/CP/1996/8.

92. The modalities further provide that, in accordance with Article 11.1 of the Convention, the Conference of the Parties will, after each of its sessions, communicate to the governing body of the operating entity relevant policy guidance for implementation and action by that governing body, which shall accordingly ensure the conformity of the entity's work with the guidance of the Conference of the Parties (see FCCC/CP/1995/7/Add.1, section III (a)).

93. The Conference may wish to refer the consideration of this item to the SBI so that it may make appropriate recommendations for action by the COP. Additional background information on this sub-item may be found in the relevant annotations to this item in the provisional agenda of the SBI (see annex II to this note).

(ii) Memorandum of Understanding between the Conference of the Parties and the Council of the Global Environment Facility

94. By decision 10/CP.1, the Conference of the Parties requested the secretariat, in consultation with the secretariat of the GEF, to prepare draft arrangements between the Conference of the Parties and the operating entity or entities of the financial mechanism for consideration by the SBI at its first session and adoption by the Conference of the Parties at its second session. Accordingly, the SBI, at its first session, held on 31 August 1995, decided to recommend that the COP at its second session adopt the draft Memorandum of Understanding annexed to the decision (see FCCC/SBI/1995/5). The SBI further requested the secretariats of the Convention and the GEF to elaborate jointly an annex to the draft Memorandum of Understanding on procedures relating to funding.

95. The draft Memorandum of Understanding between the Conference of the Parties and the Council of the Global Environment Facility and the draft Annex thereto are contained in document FCCC/CP/1996/9. Both documents have been approved by the GEF Council. The COP may wish to request the SBI to consider the Annex to the draft Memorandum and make a recommendation on the possible action to be taken on it by the Conference. In this connection, please refer to the annotations to the SBI provisional agenda contained in annex II to this note for additional information on this subject.

7. Reports of other subsidiary bodies: action on conclusions and guidance on future work

96. According to Article 7.2(j) of the Convention, the Conference of the Parties shall review reports submitted by its subsidiary bodies and provide guidance to them.

97. At its first session, the Conference of the Parties adopted decisions providing for the subsidiary bodies to report to it at its second session. By decision 1/CP.1, the COP requested the Ad Hoc Group on the Berlin Mandate to report on the status of its work. By decision 6/CP.1, the COP, *inter alia*, decided on the tasks to be undertaken by the SBSTA and the SBI and requested the two subsidiary bodies to report to it on their work at its second session. By decision 20/CP.1, the COP, *inter alia*, decided to establish an ad hoc open-ended working group of technical and legal experts to study all issues relating to the establishment of a multilateral consultative process and its design, in pursuance of Article 13 of the Convention, and requested that the group report to it at its second session.

98. The COP may wish to take note of the work done so far by the subsidiary bodies, and of the respective reports of each body on its previous sessions. With a view to making the best possible use of the time available for the concurrent sessions of subsidiary bodies, the Conference may also wish to request the subsidiary bodies to submit to it for consideration at this session only issues that require action by it at this time; these should be submitted as draft decisions or conclusions, recommended for adoption by the COP. These

recommendations should be forwarded to the COP as early as possible, as each becomes available. The complete report of each body on its session parallel to COP 2 would be brought to the attention of the Conference at its subsequent session.

99. In this connection, it will be recalled that a progress report by the Ad Hoc Group on the Berlin Mandate has been included under item 5 (b) of the provisional agenda of COP 2 (see paragraph 73 above) and it will therefore be considered by the Conference accordingly.

100. In considering the reports of the SBSTA and the SBI, at their second sessions, the COP is invited to contemplate taking a decision regarding future action by it, possibly at its third session, on the division of labour between the two subsidiary bodies. It will be recalled that, at their respective first sessions held between 28 August and 1 September 1995, the SBSTA and the SBI had before them a document entitled "Division of labour between the subsidiary bodies established by the Convention" (FCCC/SB/1995/INF.1). The document was prepared by the secretariat with a view to clarifying the specific spheres of responsibility of each subsidiary body as regards certain matters that span the area of expertise of both of them. The implementation of the division of labour envisaged in that document has given rise to some lack of clarity, for example, in areas such as technology and activities implemented jointly, that can lead to duplication between the two subsidiary bodies. In this connection, the COP may wish to request the Chairmen of the two subsidiary bodies to take the lead in consultations on this issue, with a view to making a recommendation to COP 3 on how best to allocate tasks between the SBSTA and the SBI for the most effective and efficient discharge of their responsibilities.

(a) Report of the Subsidiary Body for Scientific and Technological Advice

101. In addition to dealing with items referred to it by the COP or complementing those on the provisional agenda for COP 2, the SBSTA will deal with a number of other matters relating to its programme of work, notably the establishment of a roster of experts, research and observation issues, future cooperation with the IPCC, and mechanisms for consultations, with non-governmental organizations (see the provisional agenda for the SBSTA in annex I to this note). The SBSTA may submit recommendations for action by COP 2 on these items and/or seek guidance from COP 2 on its future work.

(b) Report of the Subsidiary Body for Implementation

102. The provisional agenda for the SBI (annex II to this note) consists mainly of items that relate to the provisional agenda of COP 2. In addition, the SBI may seek guidance from the COP on its future work and on the issue of technical and financial cooperation, in particular on possibilities for strengthening and expanding the activities of the secretariat in support of the preparation of the national communications by Parties not included in Annex I to the Convention.

(c) Report of the Ad Hoc Group on Article 13

103. At its first session, the AG13 agreed that the issues with which it is entrusted called for careful and detailed examination and that this would "take considerable time...and would not be completed by COP 2" (FCCC/AG13/1995/2). The Conference will therefore need to consider, in addition to any other issues emanating from the second session of the AG13, held concurrently with COP 2, the question of prolonging the mandate of the AG13. It would also be useful for the COP to provide guidance to the AG13 on its future work.

104. The attention of the COP is also drawn to the panel presentation and discussion on consultative procedures that will be held during the sessional period in the context of the work of the AG13. The panel, whose organization was requested by the AG13 at its first session, will be held on Tuesday, 9 July, from 10 a.m. to 1 p.m., in English only, in parallel with the first meeting of the SBSTA. The panel will be chaired by the Chairman of the AG13.

8. Administrative and financial matters

(a) Establishment of the permanent secretariat and arrangements for its functioning

105. By decision 14/CP.1, the Conference of the Parties took a number of decisions on institutional and administrative matters regarding the establishment and functioning of the Convention secretariat. The SBI further considered these questions at both its first and second sessions. Document FCCC/CP/1996/6 and Add. 1-3, which are before the Conference, review the developments that have taken place since COP 1 relating to the institutional linkage of the Convention secretariat to the United Nations, including the administrative arrangements and the financing of conference servicing costs from the regular programme budget of the United Nations. The documentation also deals with a number of legal matters (Add. 1) and practical arrangements (Add. 2) arising from the relocation of the secretariat to Bonn, Germany (decision 16/CP.1). A third addendum contains a note by the President of the COP at its first session on the outcome of her consultations on the levels of remuneration of senior posts and the appointment of the head of the Convention secretariat.

(i) Legal arrangements

106. The SBI, at its second session, "bearing in mind the exceptional circumstances and the urgency of concluding the legal arrangements arising from the location of the secretariat in Germany, requested the Executive Secretary after consulting its Chairman and Officers to enter into an appropriate agreement required for the effective discharge of the secretariat's functions in the Federal Republic of Germany, that applies to the Convention secretariat, *mutatis mutandis*, the terms of the Agreement signed on 10 November 1995 by the United Nations and the Federal Republic of Germany regarding the Headquarters of the United Nations Volunteers programme." The SBI noted that the agreement should be subject to approval by the COP at its second session (FCCC/SBI/1996/9, para. 66 (c) and (d)).

107. The Agreement of 10 November 1995 concerning the Headquarters of the United Nations Volunteers (UNV) programme, cited in the conclusions of the SBI, provides that it "may also be made applicable, *mutatis mutandis*, to other intergovernmental entities, institutionally linked to the United Nations, by agreement among such entities, the Government [of the Federal Republic of Germany] and the United Nations" (Article 4, paragraph 3). Accordingly, an appropriate tripartite agreement between the United Nations, the Government and the Convention secretariat concerning the headquarters of the Convention secretariat has been drawn up and was signed in Bonn, Germany, on 20 June 1996. The Executive Secretary consulted the Chairman and officers of the SBI in the course of the discussions on the agreement.

108. A note by the secretariat on this subject is contained in document FCCC/CP/1996/6/Add.1. The tripartite agreement, the Agreement of 10 November 1995 concerning the Headquarters of the UNV and a related exchange of notes are contained in document FCCC/CP/1996/MISC.1 (English only).

109. The COP is invited to adopt an appropriate decision that will:

(a) Confirm the conclusions of the SBI at its second session regarding legal arrangements for the effective discharge of the functions of the Convention secretariat in Germany; and

(b) Express its approval of the agreement signed on 20 June 1996 on behalf of the United Nations, the Government of the Federal Republic of Germany and the secretariat of the United Nations Framework Convention on Climate Change concerning the headquarters of the Convention secretariat.

(ii) Other arrangements

110. Addendum 2 to document FCCC/CP/1996/6 contains information on practical aspects of the relocation of the secretariat to Bonn and on possible arrangements for liaison with the Parties during and after the relocation of the secretariat. This subject was also discussed by the SBI at its second session. The Executive Secretary was requested by the SBI to report to it at its third session on progress achieved on these matters, so that it might make recommendations for appropriate action by the COP at the latter's second session.

111. It would be useful for the COP to refer all the matters covered by sub-item 8 (a) to the SBI for review of the information provided and to request the SBI to recommend appropriate conclusions and/or decisions to the COP. A description of the action to be taken by the SBI on this sub-item may be found in the annotations to the SBI provisional agenda contained in annex II to this note.

(b) Income and budget performance, and resource deployment for 1997

112. By decision 17/CP.1, the COP approved the Convention budget for the biennium 1996-1997 and requested the head of the secretariat to report to the Conference of the Parties on income and budget performance, and to propose any adjustments that might be needed in the Convention budget for that biennium. The report of the Executive Secretary is contained in document FCCC/CP/1996/7 and Add.1.

113. The COP may wish to refer the consideration of this sub-item to the SBI. Specific aspects of this sub-item that require consideration by the SBI and action by the COP are contained in the annotations to the provisional agenda of the SBI annexed to this note. The SBI may therefore be requested to recommend a draft decision to the COP that covers all those points.

9. Other matters

Special session of the General Assembly on Agenda 21

114. By resolution 50/113 entitled "Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21", the United Nations General Assembly "invited the conferences of parties or other regulatory bodies of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, as well as the regulatory bodies of other relevant instruments, as appropriate, and the Global Environment Facility, to provide their inputs to the special session." The special session of the United Nations General Assembly on Agenda 21 is scheduled to be held in June 1997, at United Nations Headquarters.

115. The COP may wish to refer this item to the SBI for action at its fourth session in order that it may provide an appropriate input to the special session on behalf of the COP. It would be desirable for the COP to give some indications to the SBI concerning the content of such an input. This would also provide guidance to the secretariat in preparing documentation for the SBI session. To this end, the SBI may be requested to consider, *inter alia*, the following topics drawn from the relevant conclusions of the United Nations Commission on Sustainable Development at its fourth session: (a) the need to improve energy efficiency and efficiency standards, and to promote the use of sustainable and environmentally sound renewable energy sources, as well as the use of energy sources with low greenhouse gas emissions; (b) the need for governments and the private sector to increase their research into energy and material efficiency and more environmentally sound production technologies; (c) the rapid growth in the transport sector resulting in a concomitant increase in energy requirements in both industrialized and developing countries; and (d) proposals for arrangements, as appropriate, that might be needed to foster the linkage between energy and sustainable development within the United Nations system.

10. Conclusion of the session

Adoption of the report of the Conference of the Parties on its second session

116. A draft report on the work of the session will be prepared for adoption by the Conference at the end of the session, in accordance with established practice. The COP is invited to authorize the Rapporteur to complete the final report after the session, with the assistance of the secretariat and under the guidance of the President.

Annex I

PROVISIONAL AGENDA AND ANNOTATIONS FOR THE THIRD SESSION OF THE SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

Geneva, 9 to 16 July 1996

I. Provisional agenda

1. The provisional agenda for the third session of the Subsidiary Body for Scientific and Technological Advice (SBSTA), proposed after consultations with the Chairman, is as follows:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;
   (b) Election of officers other than the Chairman;
   (c) Organization of the work of the session;
   (d) Report of the Subsidiary Body for Scientific and Technological Advice to the Conference of the Parties.

3. Scientific assessments: consideration of the Second Assessment Report of the Inter-governmental Panel on Climate Change.

4. National communications:

   (a) Communications from Parties included in Annex I : guidelines, schedule and process for consideration;
   (b) Communications from Parties not included in Annex I : guidelines, facilitation and process for consideration.

5. Activities implemented jointly under the pilot phase.

6. Development and transfer of technologies.

7. Mechanisms for consultations with non-governmental organizations.

8. Programme of work:

   (a) Establishment of a roster of experts;
   (b) Research and observation issues;

(c) Cooperation with the Intergovernmental Panel on Climate Change;
(d) Review of the longer-term programme.

9. Report on the session.

II. Annotations to the provisional agenda

1. Opening of the session

2. The third session of the Subsidiary Body for Scientific and Technology Advice (SBSTA) will be opened by the Chairman on Tuesday, 9 July 1996, at 10 a.m. in conference room XIX, Palais des Nations.

2. Organizational matters

(a) Adoption of the agenda

3. The provisional agenda for the third session of the SBSTA is shown above and will be presented for adoption.

(b) Election of officers other than the Chairman

4. According to rule 27 (6) of the draft rules of procedure being applied, "Each subsidiary body shall elect its own Vice-Chairman and Rapporteur". Rule 27 (5) provides, *inter alia*, that officers of the subsidiary bodies "shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms of one year". The present officers of the SBSTA were elected at COP 1 and have held office since then. Consequently it will be necessary to elect a Vice-Chairman and a Rapporteur at this session to enable them to assume office at the third session of the SBSTA. It should be noted that, in accordance with rule 22, the chairmen of the permanent subsidiary bodies are elected at the first meeting of each ordinary session of the Conference of the Parties together with the other members of the COP Bureau. As indicated in the above annotations to the COP agenda (item 4 (d)), the other officers of the SBSTA may, alternatively, be elected by the COP in plenary session as part of a package.

(c) Organization of the work of the session

(i) Documentation

5. A list of documents relating to the provisional agenda, and of other documents that will be available at the session is contained in document FCCC/CP/1996/1/Add.2. Additional documents may be made available during the session.

(ii) Schedule

6. The third session of the SBSTA will be convened from 9 to 16 July 1996 during the second session of the Conference of the Parties (COP 2). The SBSTA is scheduled to hold seven meetings and these will be held in parallel with those of the other subsidiary bodies (see schedule in annex V). The SBSTA may hold informal meetings when it has no formal meetings. A tentative schedule of meetings will be proposed by the Chairman at the first meeting.

7. The scheduling of meetings of the SBSTA is based on the availability of facilities during the normal working hours. Formal meetings will be held with interpretation in the mornings from 10 a.m. to 1 p.m. and in the afternoons from 3 p.m to 6 p.m. There will also be facilities for informal meetings without interpretation. Delegations are urged to acquaint themselves with the schedule of meetings and use these facilities fully by starting all meetings promptly at the scheduled time. As there will be no possibility of going beyond the indicated closure times, any late start will mean a loss of conference facilities.

(d) Report of the Subsidiary Body for Scientific and Technological Advice to the Conference of the Parties

8. Article 9.1 provides, *inter alia*, that the SBSTA "shall report regularly to the Conference of the Parties on all aspects of its work". The reports of the SBSTA on its first and second sessions will be before the COP. In this connection, it would be desirable to request the Chairman of the SBSTA to present an oral report to the plenary of the COP on the substantive progress achieved by the SBSTA at its third session so as to avoid devoting scarce time available to the SBSTA to the adoption of a full formal report. This would permit the SBSTA to focus upon issues that require a decision by the COP at this time; these should be submitted as draft decisions or conclusions, recommended for adoption by the COP, and forwarded to the COP as early as possible, as each becomes available. The final report of the SBSTA on its third session would be brought to the attention of the COP at its third session.

3. Scientific assessments: consideration of the Second Assessment Report of the Intergovernmental Panel on Climate Change

9. The Intergovernmental Panel on Climate Change (IPCC), at its eleventh session, held in Rome in December 1995, approved the IPCC Second Assessment Synthesis of Scientific-Technical Information Relevant to Interpreting Article 2 of the United Nations Framework Convention on Climate Change (hereinafter referred to as "the Synthesis") and the Summaries for Policymakers of Working Groups I, II and III of the IPCC (hereinafter referred to as "the Summaries"). It also accepted the Technical Summaries and Supporting Chapters which together with the Synthesis and the Summaries comprise the complete IPCC Second Assessment Report - Climate Change 1995.

10. To assist a first consideration of the Second Assessment Report at the second session of the SBSTA (held in February/March 1996) the secretariat prepared a note (in English only) on the preparation and content of the Report. This note has been revised and will be available in all languages to the Conference of the Parties at its second session and to the third session of the SBSTA (see FCCC/CP/1996/5 and FCCC/SBSTA/1996/7/Rev.1 and Add.1-3/Rev.1).[2]

11. The Synthesis and the Summaries (in English only) were available at the second session of the SBSTA. They will be available, in the six official languages of the United Nations, as an attachment to document FCCC/SBSTA/1996/12.

12. At its second session, the SBSTA had an initial exchange of views on the Second Assessment Report which is reflected in paragraphs 18 to 32 of the report of the session (FCCC/SBSTA/1996/8). In particular, the SBSTA invited Parties to send their views on the report in order to facilitate full consideration of it at its third session. Views received are contained in document FCCC/SBSTA/1996/MISC.4. The SBSTA may provide relevant conclusions to the COP as a contribution to the plenary debate on agenda item 5.

4. National communications

(a) Communications from Parties included in Annex I: guidelines, schedule and process for consideration

(i) Technical aspects of the second compilation and synthesis report

13. According to Article 12.5 of the Convention, each Party included in Annex I had to make its initial communication within six months of the entry into force of the Convention for that Party. Decision 2/CP.1 has established the process for review of these first communications comprising the three phases: compilation and synthesis of all national communications received by the secretariat, expert in-depth review of each individual communication, and review by subsidiary bodies and the COP.

14. By decision 2/CP.1, the Conference requested the secretariat to prepare, for consideration by the subsidiary bodies and by the Conference of the Parties at its second session, a second compilation and synthesis of first national communications, taking into account available review reports of individual national communications. At its second session, the SBSTA considered and endorsed the outline and approaches proposed for the second compilation and synthesis of first national communications, as described in document FCCC/SB/1996/1 and Add.1.

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[2] Please note that some documents carry double symbols.

15. The SBSTA at its second session decided to consider the technical aspects of the available in-depth review reports and of the second compilation and synthesis report at its third session in order to draw relevant conclusions to the attention of the SBI at its third session, the Ad Hoc Group on the Berlin Mandate (AGBM) at its fourth session, and the COP at its second session.

16. The SBSTA will have before it the following documents: "National communications from Annex I Parties" (for summaries: see document series FCCC/NC/....); "Compilation and synthesis of first national communications: executive summary" (FCCC/CP/1996/12); "Compilation and synthesis of first national communications" (FCCC/CP/1996/12/Add. 1); "Tables of inventories of anthropogenic emissions and removals and projections for 2000" (FCCC/CP/1996/12/Add. 2), as well as available in-depth review reports and their summaries (document series FCCC/IDR.1/...). It may also wish, when considering these documents, to refer to proposed revisions to the guidelines for the preparation of national communications by Annex I Parties (see FCCC/SBSTA/1996/9 and Add. 1 and 2) which reflect some suggestions on improving the guidelines made both by Parties and the secretariat.

17. The SBSTA is invited to discuss the second compilation and synthesis report with a view to considering whether the Conference of the Parties will have accurate, consistent and relevant information at its disposal to assess the implementation of the Convention by the Parties. The SBSTA may also wish to draw conclusions that might be relevant to the work of the SBI and the AGBM and to make recommendations, in cooperation with the SBI, to COP 2.

(ii) Guidelines and methodological issues

18. By its decision 3/CP.1, the Conference requested the secretariat to prepare a report on the guidelines for the preparation of first communications by Parties included in Annex I to the Convention. The report was submitted to the SBSTA, at its second session (FCCC/SBSTA/1996/3). The SBSTA took note of this document and requested the secretariat to prepare a report suggesting possible revisions to the guidelines, taking into account the submissions by Parties and the experience from the review process, for consideration at its third session, aiming at allowing COP 2 to adopt revised guidelines in time for the preparation of second national communications by Annex I Parties, which, by decision 3/CP.1, are due by 15 April 1997. The SBSTA, with a view to overcoming inconsistencies in the presentation of data on inventories, also requested the secretariat to examine issues such as temperature adjustments, electricity trade, bunker fuels, use of global warming potentials and land-use change and forestry in the documentation to be prepared for consideration by the SBSTA at its third session (FCCC/SBSTA/1996/8, section V-A).

19. In its debate on transfer of technology, the SBI, at its second session, recognized the need to improve the comprehensiveness, comparability and detail of information provided by Annex II Parties on the transfer of technology and know-how necessary to mitigate and

facilitate adequate adaptation to climate change, and, in this context, requested the SBSTA to prepare recommendations on the guidelines (FCCC/SBI/1996/9, section III-A).

20. In response to these requests, the secretariat has prepared a note on possible revisions to the guidelines for the preparation of national communications by Parties included in Annex I to the Convention (FCCC/SBSTA/1996/9), together with an addendum on methodological issues, such as electricity trade, emissions from bunker fuels, temperature adjustments, use of global warming potentials, and land-use change and forestry. A second addendum elaborates on the first two of these issues. The SBSTA is invited to consider this note, which contains proposed revisions to the guidelines for the preparation of national communications by Annex I Parties, and the two addenda. Proposed deletions from the original guidelines are indicated with strike-out, and proposed additions by bold-face. Significant changes to the text are explained briefly in endnotes.

21. The SBSTA may wish to recommend that the Conference at its second session adopt revised guidelines for the preparation of national communications by Annex I Parties. The SBSTA may also recommend that the COP request the SBSTA to consider possible additional revisions to the guidelines arising from, *inter alia*, any modifications to the IPCC Guidelines for National Greenhouse Gas Inventories.

22. Any advice that the SBSTA may have with respect to the schedule for submission of national communications and the process for their consideration may be conveyed to the SBI, since in the division of labour these issues will be dealt with by that body .

(b) Communications from Parties not included in Annex I: guidelines, facilitation and process for consideration

23. The SBSTA, at its second session, recalled decision 8/CP.1 and took note of document FCCC/SB/1996/3. It also noted with appreciation document FCCC/SB/1996/MISC.1/Add.1, containing the position paper of the Group of 77 and China on recommendations on guidelines and format for the preparation of initial communications from non-Annex I Parties. It considered this document as the principal basis for the adoption of guidelines and format for the preparation of initial communications from non-Annex I Parties. The SBSTA decided to continue consideration of the item at its third session.

24. In this connection, the SBSTA is reminded of the workshop to be convened by the Group of 77 and China, as a follow-up to an earlier one, to examine issues relating to national communications from non-Annex I Parties. The workshop will be held on Monday 8 July, from 3 p.m. to 6 p.m., in parallel with the second plenary meeting of the COP. It will have full interpretation facilities.

25. The SBSTA may wish to continue its discussion on the guidelines and format for initial communications from Parties not included in Annex I to the Convention with a view to

making a recommendation to the COP, in cooperation with the SBI which will consider issues related to facilitation of such communications and the process for their consideration.

5. Activities implemented jointly under the pilot phase

26. The COP, by its decision 5/CP.1, decided that the SBSTA would, in coordination with the SBI, establish a framework for reporting, in a transparent, well defined and credible fashion, on the possible global benefits and the national economic, social and environmental impacts as well as any practical experience gained or technical difficulties encountered in activities implemented jointly under the pilot phase. At its second session, the SBSTA adopted the initial reporting framework for activities implemented jointly under the pilot phase. Subsequently, the SBI requested the secretariat to prepare a progress report on activities implemented jointly for its next session. Delegations were invited to submit information to the secretariat for inclusion in the report by 1 April 1996, in accordance with the SBSTA conclusions. Based on this information, the secretariat has prepared a progress report as a contribution to the preparation by the subsidiary bodies of a synthesis report for consideration by the COP. The progress report, contained in document FCCC/CP/1996/14 and Add.1, *inter alia*, provides information received from Parties on AIJ projects; discusses the usefulness of the reporting framework adopted by the SBSTA vis-à-vis reports received so far; describes AIJ project criteria and programme features; and, in particular, includes proposals for a work plan for the consideration of, and action on, AIJ.

6. Development and transfer of technologies

27. At their second sessions, the SBSTA and the SBI requested the secretariat to undertake a number of activities related to inventorying and assessing environmentally sound and economically viable technology and know-how conducive to mitigating and adapting to climate change (see FCCC/SBSTA/1996/8). In addition to improving the technology database, the secretariat was requested to:

(a) Develop a plan for setting up specialized technology information centres

(b) Conduct a survey in order to identify needs of Parties for information on technologies and to prepare a programme of work;

(c) Prepare an initial catalogue of adaptation technologies;

(d) Prepare a paper, in view of decision 13/CP.1, giving information on the terms of transfer of such technology and know-how;

(e) Prepare a report on technology transfer cooperation by the private sector.

28. The secretariat has prepared a note on the actions taken so far by the secretariat to respond to the above requests (FCCC/CP/1996/11). In accordance with the division of labour

with the SBI, the SBSTA may wish to focus on the first three tasks, while the SBI may wish to focus on the last two. Recent additions to the technology inventory database can be found in document FCCC/SBSTA/1996/4/Add.2.

29. The SBSTA may wish to take note of actions taken by the secretariat and provide guidance on further work. The SBSTA may also respond, in cooperation with the SBI, to any requests from the COP for its discussion on the development and transfer of technologies.

7. Mechanisms for consultations with non-governmental organizations

30. At its second session, the SBSTA considered briefly the matter of the workshop on mechanisms for inputs by non-governmental organizations. The decision to hold the workshop within the framework of the SBSTA had been taken by the Conference of the Parties at its first session, which also decided that the workshop would examine the need for, and possible scope, structure, membership and work plans of non-governmental advisory committees and/or a business consultative mechanism. The workshop was convened on 2 March 1995 by the International Academy of the Environment (IAE), with guidance from the UNFCCC secretariat. It was co-chaired by the Chairman of the SBSTA and the Director of the IAE, who presented an oral report on its proceedings to the second session of the SBSTA. The SBSTA decided to postpone discussions on the workshop until its third session when the formal report would be available (FCCC/SBSTA/1996/11). The SBSTA, on the basis of this report, may consider how to follow-up this issue.

8. Programme of work

(a) Establishment of a roster of experts

31. At its second session, the SBSTA, having considered the question of establishing intergovernmental technical advisory panel(s) (ITAPs) concluded that it could not agree on the modalities for such a panel or panels, and decided to request guidance on this issue from the COP at its next session. In addition, the SBSTA recognized that it may be beneficial to develop a roster of experts to assist the Convention process. It requested the Parties to submit comments on the concept of a roster, including the disciplines that such a roster might cover. It further requested the secretariat to prepare a compilation of the comments as well as a paper on this subject (FCCC/SBSTA/1996/8).

32. The secretariat had received submissions on this subject from 11 Parties as at 1 May 1996. These submissions are contained in document FCCC/SBSTA/1996/MISC.4. A note by the secretariat on this subject is contained in document FCCC/SBSTA/1996/10. The SBSTA is invited to consider this information, confirm the utility of a roster of experts to support the work of the Convention and, if so, determine the basis for its establishment.

(b) Research and observation issues

33. At its second session the SBSTA took note of the information provided by the WMO and a number of Parties, relevant to the implementation of Article 5 of the Convention. It requested the secretariat to prepare a summary report on research and observation issues, with attention to Article 5, and particularly to Article 5(c), of the Convention, in close collaboration with Parties and concerned international organizations, and taking into account the recommendations of the Second Assessment Report, for consideration by the third session of the SBSTA and subsequently by the COP. If this document is ready in time for the third session of the SBSTA, it will be issued as document FCCC/SBSTA/1996/10/Add.1; if this should not be the case, it will be issued as a document in time for the fourth session.

(c) Cooperation with the Intergovernmental Panel on Climate Change

34. At its first session, the SBSTA agreed that there would be a need for close coordination between the SBSTA and the IPCC in identifying specific proposals for jointly agreed tasks and considering such matters as time-frames for implementation and financial implications. It felt that this would be particularly important after the consideration by the SBSTA of the IPCC Second Assessment Report.

35. Also at its first session, the SBSTA identified a list of areas in which it could draw upon the assistance of the IPCC in order to provide the COP with timely information and advice on relevant scientific and technical issues. With a view to refining, modifying and adding to this list, and the need to identify short- and long-term requirements, the SBSTA requested its Bureau to hold joint meetings with the officers of the IPCC, and to report to the SBSTA on the outcome of these meetings.

36. At its second session, the SBSTA considered the conclusions of the meetings of the joint working group of officers of the UNFCCC and the IPCC. Taking into account the statements made at the session, it requested the IPCC to undertake the proposed activities in support of the SBSTA and the AGBM contained in annex III to the report of its second session (FCCC/SBSTA/1996/8). This list was subsequently considered by the IPCC Bureau,

at its tenth session, held at Geneva on 28 and 29 March 1996. The conclusions of the IPCC Bureau are given in document FCCC/SBSTA/1996/10. The Chairman of the IPCC will provide additional information.

(d) Review of the longer-term programme

37. In accordance with the conclusions of the SBSTA at its second session, the secretariat has made suggestions for a longer-term approach to the work programme (see FCCC/SBSTA/1996/10) for consideration by the SBSTA.

9. Report on the session

38. The SBSTA may wish to adopt decisions, recommendations to the Conference of the Parties or texts of substantive conclusions under the relevant items and sub-items of the agenda and, as at previous sessions, authorize the Rapporteur, in cooperation with the Chairman, to complete the report after the session. While every effort will be made to have conclusions available in all languages, this can only be possible if sufficient time is available for translation.

Annex II

PROVISIONAL AGENDA AND ANNOTATIONS FOR THE THIRD SESSION OF THE SUBSIDIARY BODY FOR IMPLEMENTATION

Geneva, 9 to 16 July 1996

I. Provisional agenda

1. The provisional agenda for the third session of the Subsidiary Body for Implementation (SBI), proposed after consultations with the Chairman, is as follows:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;
   (b) Election of officers other than the Chairman;
   (c) Organization of the work of the session.
   (d) Report of the Subsidiary Body for Implementation to the Conference of the Parties.

3. National communications:

   (a) Communications from Parties included in Annex I: guidelines, schedule and process for consideration;

   (b) Communications from Parties not included in Annex I: guidelines, facilitation and process for consideration.

4. Financial and technical cooperation.

   (a) Financial mechanism:

      (i) Guidance to the Global Environment Facility;
      (ii) Memorandum of Understanding between the Conference of the Parties and the Council of the Global Environment Facility;

   (b) Secretariat activities relating to technical and financial support to Parties.

5. Development and transfer of technologies.

6. Activities implemented jointly under the pilot phase.

7. Administrative and financial matters:

(a) Establishment of the permanent secretariat and arrangements for its functioning;

(b) Income and budget performance, and resource deployment for 1997.

8. Review of the programme of work, 1996-1997.

9. Report on the session.

II. Annotations to the provisional agenda

1. Opening of the session

2. The third session of the Subsidiary Body for Implementation (SBI) will be opened by the Chairman on Tuesday, 9 July 1996, at 3 p.m. in conference room XX, Palais des Nations.

2. Organizational matters

(a) Adoption of the agenda

3. The provisional agenda for the third session of the SBI is shown above and will be presented for adoption.

4. In the annotation to item 5 (a) of the provisional agenda for COP 2, which concerns the implementation of commitments in Article 4 of the Convention, it is suggested, *inter alia*, that the COP may wish to refer that item to the SBI to recommend draft conclusions for consideration and adoption by the Conference. Such referral would add to the tasks of the SBI at this session.

(b) Election of officers other than the Chairman

5. According to rule 27 (6) of the draft rules of procedure being applied, "Each subsidiary body shall elect its own Vice-Chairman and Rapporteur". Rule 27 (5) provides, *inter alia*, that "officers of the subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms of one year". The present officers of the SBI were elected at COP 1 and have held office since then. Consequently, it will be necessary to elect a Vice-Chairman and a Rapporteur at this session to enable them to assume office at the fourth session of the SBI. It should be noted that, in accordance with rule 22, the Chairmen of the permanent subsidiary bodies are elected at the first meeting of each ordinary session of the COP together with the other members of the COP Bureau. As indicated in the above annotations to the COP agenda

(item 4 (d)), the other officers of the SBI may, alternatively, be elected by the COP in plenary session as part of a package.

(c) Organization of the work of the session

(i) Documentation

6. A list of documents relating to the provisional agenda, as well as other documents available at the session is contained in document FCCC/CP/1996/1/Add.2. Additional documents may be made available during the session.

(ii) Schedule

7. The third session of the SBI will be convened from 9 to 16 July 1996 during the second session of the Conference of the Parties (COP 2). The SBI is scheduled to hold seven meetings, which will be held in parallel with those of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and later the Ad Hoc Group on the Berlin Mandate (AGBM) (see schedule in annex V to this note). Informal meetings of the SBI may be held when it has no formal meeting. A tentative schedule of meetings will be proposed by the Chairman at the first meeting.

8. The scheduling of meetings for the SBI is based on the availability of conference facilities during the normal working hours. Formal meetings will be held with interpretation in the mornings from 10 a.m. to 1 p.m. and in the afternoons from 3 p.m. to 6 p.m. There will also be facilities for informal meetings without interpretation. Delegations are urged to acquaint themselves with the schedule of meetings and use the facilities fully by starting all meetings promptly at the scheduled time. As there will be no possibility of going beyond the indicated closure times, any late start will mean a loss of conference facilities.

(d) Report of the Subsidiary Body for Implementation to the Conference of the Parties

9. Article 10.1 provides, *inter alia*, that the SBI "shall report regularly to the Conference of the Parties on all aspects of its work". The reports of the SBI on its first and second sessions will be before the COP. In this connection, it would be desirable to request the Chairman of the SBI to present an oral report to the plenary of the COP on the substantive progress achieved by the SBI at its third session so as to avoid devoting scarce time available to the SBI to the adoption of a full formal report. This would permit the SBI to focus upon issues that require a decision by the COP at this time; these should be submitted as draft decisions or conclusions, recommended for adoption by the COP, and forwarded to the COP as early as possible, as each becomes available. The final report of the SBI on its third session would be brought to the attention of the COP at its third session.

3. National communications

(a) Communications from Parties included in Annex I: guidelines, schedule and process for consideration

(i) Implementation issues

10. The COP, under its agenda item 5 (a), will review the implementation of the Convention. As indicated in the annotations to the COP agenda, the COP may request the SBI to consider this sub-item and recommend draft conclusions for consideration and adoption by the Conference. When responding to such a request, the SBI would have to consider, *inter alia*, the implementation of their commitments by Parties included in Annex I of the Convention. Information on this is available through the national communications of these Parties and through the process for their consideration.

11. At its first session, the Conference of the Parties, by its decision 2/CP.1, requested the secretariat to prepare, for consideration by the subsidiary bodies and by the Conference of the Parties at its second session, a second compilation and synthesis of first national communications, taking into account available review reports of individual national communications. The SBI, at its second session, considered and endorsed the outline and approaches proposed for the second compilation and synthesis of first national communications, as described in document FCCC/SB/1996/1.

12. At the same session, the SBI decided that policy aspects of the available in-depth review reports were to be fully considered at its third session in order to draw relevant conclusions to the attention of the AGBM at its fourth session and the COP at its second session. The SBI also urged the Parties included in Annex I that had not yet submitted national communications to do so in time for COP 2.

13. The SBI will have before it the following documents: "Compilation and synthesis of first national communications: executive summary" (FCCC/CP/1996/12); "Compilation and synthesis of first national communications" (FCCC/CP/1996/12 /Add.1); "Tables of inventories of anthropogenic emissions and removals and projections for 2000" (FCCC/CP/1996/12/Add. 2), as well as summaries of the national communications and available in-depth review reports (see FCCC/CP/1996/1/Add.2).

14. The SBI is invited to consider the compilation and synthesis report with a view to reviewing the status of implementation of the Convention. In particular, it may wish to assist the COP in assessing the implementation of the Convention by the Parties, the overall effects and cumulative impacts of measures taken and the extent to which progress towards the objective of the Convention is being achieved see Articles 7.2(e) and 10.2(c)). The SBI may also wish to draw conclusions that might be relevant to the work of the AGBM.

(ii) Schedule for the submission of national communications and process for their consideration

15. In accordance with the division of labour with the SBSTA, the SBI may wish to consider issues related to the submission of national communications, in particular the scheduling, as well as the process for their consideration, including the organization of a future review process (see FCCC/CP/1996/13). The SBI may wish to prepare a draft decision on these matters for consideration and adoption by the COP.

(b) Communications from Parties not included in Annex I: guidelines, facilitation and process for consideration

16. The SBI, at its second session, recalled decision 8/CP.1 and took note of document FCCC/SB/1996/3. It also noted with appreciation document FCCC/SB/1996/MISC.1/Add.1. containing the position paper of the Group of 77 and China on recommendations on guidelines and format for the preparation of initial communications from non-Annex I Parties. It considered this document as the principal basis for the decision to adopt and implement guidelines and format for the preparation of initial communications from non-Annex I Parties. It noted that the SBSTA would continue consideration of the item at its third session.

17. The SBI, at its second session, also took note of the intention of non-Annex I Parties to hold a workshop on issues relating to implementation, and requested the secretariat to facilitate assistance in this regard. It invited Parties not included in Annex I to nominate national focal points for facilitating assistance for the preparation of the initial communications. The SBI will be informed of any conclusions reached by the workshop.

18. The SBI may wish to reiterate its request to Parties not included in Annex I to the Convention to nominate focal points for the preparation of their initial communications.

19. The SBI may wish to commence its discussion on the process for the consideration of the initial communications from Parties not included in Annex I to the Convention, taking into account any guidelines that may be recommended by the SBSTA. In this context, the SBI may wish to invite Parties to forward to the secretariat their views on the process for consideration of the initial communications by 15 October 1996. The SBI may also wish to request the secretariat to compile these views and include any budgetary considerations, for discussion at its subsequent session. The SBI may wish to inform the COP of its conclusions.

4. Financial and technical cooperation

(a) Financial mechanism

(i) Guidance to the Global Environment Facility

20. The Conference of the Parties, by its decision 11/CP.1, adopted the initial guidance on policies, programme priorities and eligibility criteria to the operating entity or entities of the financial mechanism in accordance with Article 11 of the Convention. By its decision 12/CP.1, the COP invited the GEF in future reports to take into account relevant aspects of the modalities for the functioning of operational linkages between the Conference of the Parties and the operating entity or entities of the financial mechanism agreed on by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change and endorsed by the COP (see FCCC/CP/1995/7/Add.1). The modalities in question provide, *inter alia*, that the Conference of the Parties should receive and review at each of its sessions a report from the governing body of the operating entity which should include specific information on how it has applied the guidance and decisions of the Conference of the Parties in its work related to the Convention. This report should be of a substantive nature and incorporate the programme of future activities of the operating entity in the areas covered by the Convention and an analysis of how the operating entity in its operations, implemented the policies, eligibility criteria and programme priorities related to the Convention established by the Conference of the Parties. In particular, a synthesis of the different projects under implementation and a listing of the projects approved in the areas covered by the Convention, as well as a financial report including accounting and evaluation of its activities in the implementation of the Convention, indicating the availability of resources, should be included (see FCCC/CP/1995/7/Add.1, section III (a), para. 5).

21. The above requirement on reporting by the Council of the GEF to the COP is also contained in paragraphs 6 and 7 of the draft Memorandum of Understanding approved by the Council of the GEF at its fifth session and recommended by the SBI in its decision 2/SBI.1 for adoption by COP 2 (see FCC/SBI/1995/5).

22. In response to the request from the COP, the SBI is invited to consider the report from the Council of the GEF (FCCC/CP/1996/8) and make recommendations to COP 2 for adoption including further guidance to the GEF in accordance with Article 11.

(ii) Memorandum of Understanding between the Conference of the Parties and the Council of the Global Environment Facility

23. In accordance with Article 11.3, the Conference of the Parties and the operating entity or entities of the financial mechanism shall agree on arrangements to give effect to Article 11.1 and 11.2. By its decision 10/CP.1, the COP requested the secretariat in consultation with the secretariat of the Global Environment Facility and bearing in mind comments made at the eleventh session of the Intergovernmental Negotiating Committee, to

prepare draft arrangements for consideration by the Subsidiary Body for Implementation at its first session and adoption by the Conference of the Parties at its second session. The SBI, by its decision 2/SBI.1, recommended that the COP adopt the draft Memorandum of Understanding annexed to the decision (FCCC/SBI/1995/5).

24. By the same decision, the SBI requested the secretariats of the Convention and the Global Environment Facility to elaborate jointly the annex to the Memorandum of Understanding on procedures to facilitate the joint determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of the Convention and the conditions under which that amount would be periodically reviewed, as referred to in paragraph 9 of the Memorandum. It further decided to consider the above-mentioned annex after its adoption by the Council of the Global Environment Facility and prior to its adoption by the Conference of the Parties at its second session. The annex to the Memorandum of Understanding, elaborated jointly by the secretariats of the Convention and the Global Environment Facility, was submitted to the GEF at its April 1996 session and approved.

25. The SBI is invited to respond to the request of the COP and consider the annex to the Memorandum of Understanding (FCCC/CP/1996/9) and make recommendations for its adoption.

(b) Secretariat activities relating to technical and financial support to Parties

26. The COP at its first session requested the secretariat to continue to facilitate the provision of technical and financial support to Parties, in cooperation with its partners, and to report periodically to the COP on progress achieved, so that further guidance could be provided (see FCCC/CP/1995/7/Add.1, section III(b)).

27. The SBI, at its second session, took note of the information contained in document FCCC/SBI/1996/4 on secretariat activities in the area of technical and financial support to Parties, in particular on its efforts to advance the activities known as CC:INFO, CC:FORUM and CC:TRAIN.

28. The secretariat was requested by the SBI to prepare a report for its next session on the possibilities for strengthening and expanding these activities in support of the preparation of the national communications by Parties not included in Annex I to the Convention.

29. The SBI is invited to consider the report on secretariat activities in the area of technical and financial cooperation, especially on the possibilities for strengthening and expanding the activities of the secretariat in support of the preparation of the national communications by Parties not included in Annex I to the Convention (FCCC/SBI/1996/10) and make recommendations to the COP on further guidance to the secretariat.

5. Development and transfer of technologies

30. At its second session, the SBI and SBSTA requested the secretariat to undertake a number of activities related to the development and transfer of technologies (FCCC/SBI/1996/9). In addition to improving the technology database, the secretariat was requested to:

(a) Develop a plan for setting up specialized technology information centres;

(b) Conduct a survey in order to identify needs of Parties for information on technologies and to prepare a programme of work;

(c) Prepare an initial catalogue of adaptation technologies;

(d) Prepare a paper, in view of decision 13/CP.1, giving information on the terms of transfer of such technology and know-how;

(e) Prepare a report on technology transfer cooperation by the private sector.

31. The secretariat has prepared a note on actions taken so far by the secretariat to respond to the above requests (FCCC/CP/1996/11). In accordance with the division of labour with the SBSTA, the SBI may wish to focus on the last two tasks, while the SBSTA may wish to focus on the former three.

32. The SBI may wish to take note of the actions taken by the secretariat and provide guidance on further work. The SBI may also respond, in cooperation with the SBSTA, to any requests from the COP for its discussion on the development and transfer of technologies.

6. Activities implemented jointly under the pilot phase

33. The COP, by its decision 5/CP.1, decided that the SBSTA would, in coordination with the SBI, establish a framework for reporting, in a transparent, well-defined and credible fashion, on the possible global benefits and the national economic, social and environmental impacts as well as any practical experience gained or technical difficulties encountered in activities implemented jointly (AIJ) under the pilot phase.

34. The SBI, at its second session, noted the decision of the SBSTA to adopt the initial reporting framework for activities implemented jointly under the pilot phase and requested the secretariat to prepare a progress report on activities implemented jointly for its next session. In that context delegations were invited to submit information to the secretariat for inclusion in the report by 1 April 1996, in accordance with the SBSTA conclusions (see FCCC/SBI/1996/9, paras. 57-58). Based on this information, the secretariat has prepared a progress report in particular proposals regarding a work programme for consideration as a contribution to the preparation by the subsidiary bodies of a synthesis report for consideration

by the COP (see FCCC/CP/1996/14 and Add.1). The SBI may wish to develop recommendations on these proposals in consultation with the SBSTA for consideration by the COP.

7. Administrative and financial matters

(a) Establishment of the permanent secretariat and arrangements for its functioning

35. The COP, by its decision 14/CP.1, took a number of decisions on institutional and administrative matters. The SBI further considered some of these questions at its first and second sessions. Document FCCC/CP/1996/6 reviews the developments that have taken place since COP 1 relating to the institutional linkage of the Convention secretariat to the United Nations, the administrative arrangements (including the overhead charge for administrative support), and the financing of conference servicing costs from the regular programme budget of the United Nations. The SBI is invited to review the information provided by the Executive Secretary and recommend a draft decision to the COP, particularly with regard to administrative arrangements and conference servicing. The SBI will also have before it a note by the President of COP 1 on the outcome of her consultations on the level of remuneration of senior posts and the appointment of the Executive Secretary (FCCC/CP/1996/6/Add.3).

(i) Legal arrangements

36. The SBI, at its second session, bearing in mind the exceptional circumstances and the urgency of concluding the legal arrangements arising from the location of the Convention secretariat in Germany, requested the Executive Secretary after consulting its Chairman and officers to enter into an appropriate agreement required for the effective discharge of the secretariat's functions in the Federal Republic of Germany, that applies to the Convention secretariat, mutatis mutandis, the terms of the Agreement signed on 10 November 1995 by the United Nations and the Federal Republic of Germany regarding the Headquarters of the United Nations Volunteers programme.

37. The SBI also noted that the agreement should be subject to approval by the COP at its second session and requested the Executive Secretary to report to it at its third session on the progress achieved on the agreement and other matters, so that it may make recommendations for appropriate action by the COP at its second session. The agreement has been drawn up and was signed in Bonn, Germany on 20 June 1996. The SBI may wish to take note of the agreement and recommend its approval by COP 2. A note by the secretariat on this subject is contained in document FCCC/CP/1996/6/Add.1.

(ii) Other arrangements

38. At its second session the SBI was informed of the practical arrangements for the relocation of the Convention secretariat to Bonn and requested the Executive Secretariat to report to it on these matters at its third session.

39. The purpose of document FCCC/CP/1996/6/Add.2 is to provide the SBI with updated information regarding practical arrangements under way with the Government of Germany for the relocation of the Convention secretariat, including the date for the move and the arrangements for liaison with Parties during and after the relocation of the secretariat and the transfer of the staff to Bonn. The SBI is invited to take note of the information provided and recommend appropriate conclusions and/or decisions to the COP.

(b) Income and budget performance, and resource deployment for 1997

40. The COP, by its decision 17/CP.1, approved the Convention budget for the biennium 1996-1997 and requested the head of the secretariat to report to the Conference of the Parties on income and budget performance and to propose any adjustment that might be needed in the Convention budget for 1996-1997. This report is contained in document FCCC/CP/1996/7 and Add.1.

41. The SBI is invited to review the information provided by the Executive Secretary relating to the trust fund for the core budget of the UNFCCC, the trust fund for participation in the UNFCCC process, and the trust fund for supplementary activities under the UNFCCC. In addition to the status of contributions and expenditures, the report reviews technical adjustments to the core budget and additional requirements for the biennium largely related to the relocation of the secretariat to Bonn, as well as the level of the working capital reserve and the use of the trust fund for participation. The net effect of the adjustments is a saving to Parties. On this basis, the SBI is invited to recommend a decision to the COP concerning the above points and taking note of the revised estimates submitted by the Executive Secretary as the basis for planning contributions by Parties to the core budget for 1997.

8. Review of the programme of work: 1996-1997

42. The SBI, by its decision 1/SBI.1, adopted the proposed programme of work and requested the secretariat to revise the scheduling in the light of the results of the first session of the SBSTA (FCCC/SBI/1995/5, annex). A revised programme of work highlighting the two items affected by the conclusions of the SBSTA was prepared by the secretariat for the information of the SBI at its second session (FCCC/SBI/1995/2). The SBI took note of the secretariat document and decided in line with its decision 1/SBI.1 to review the programme of work at the session immediately prior to COP 2. The SBI is invited to take note of the consolidated text of the programme of work FCCC/SBI/1996/11 containing all the revisions made during the first and second sessions of the SBI.

9. Report on the session

43. The SBI may wish to adopt decisions, recommendations to the Conference of the Parties or texts of substantive conclusions under the relevant items and sub-items of the agenda and, as at previous sessions, authorize the Rapporteur, in cooperation with the Chairman, to complete the report after the session. While every effort will be made to have conclusions available in all languages, this can only be possible if sufficient time is available for translation.

Annex III

PROVISIONAL AGENDA AND ANNOTATIONS FOR THE FOURTH SESSION OF THE AD HOC GROUP ON THE BERLIN MANDATE

Geneva, 9 to 16 July 1996

I. Provisional agenda

1. The provisional agenda for the fourth session of the Ad Hoc Group on the Berlin Mandate (AGBM), proposed after consultations with the Chairman, is as follows:

1. Opening of the session.

2. Organization of work:

   (a) Adoption of the agenda;
   (b) Organization of the work of the session.

3. Strengthening the commitments in Article 4.2(a) and (b):

   (a) Policies and measures;
   (b) Quantified emission limitation and reduction objectives within specified time-frames.

4. Continuing to advance the implementation of Article 4.1.

5. Possible features of a protocol or another legal instrument.

6. Taking stock and intensifying efforts: report to the Conference of the Parties.

7. Report on the session.

II. Annotations to the provisional agenda

1. Opening of the session

2. The fourth session of the Ad Hoc Group on the Berlin Mandate (AGBM) will be opened by the Chairman on Thursday, 11 July 1996, at 3 p.m. in conference room XX, Palais des Nations.

2. Organizational matters

(a) Adoption of the agenda

3. The provisional agenda for the fourth session of the AGBM is shown above and will be presented for adoption.

(b) Organization of the work of the session

(i) Documentation

4. A list of documents relating to the provisional agenda, as well as other documents available at the session is contained in document FCCC/CP/1996/1/Add.2. Additional documents may be made available during the session.

(ii) Schedule

5. After the conclusion of the opening meeting, the Chairman will convene informal round tables on policies and measures, quantified emission limitation and reduction objectives (QELROs) and the impacts on developing country Parties of action by Annex I Parties. These will be held in room XXVI. The AGBM will resume its formal meetings after the completion of these round tables, taking up each of the items on the provisional agenda in turn and taking into account the results of the round table discussions.

6. In view of the importance of the round table discussions relating to item 3 of the provisional agenda, and the time devoted to them, it will be important to ensure sufficient meeting time for items 4, 5 and 6 of the provisional agenda.

7. The AGBM is scheduled to meet from Thursday, 11 July to Tuesday, 16 July (including the round tables). The meetings will be held in parallel with those of the other subsidiary bodies (see schedule in annex V). The scheduling of these meetings is based on the availability of facilities during the normal working hours. Meetings will be held with interpretation (including the round tables) in the mornings from 10 a.m. to 1 p.m. and in the afternoons from 3 p.m to 6 p.m. There will also be facilities for informal meetings without interpretation. Delegations are urged to acquaint themselves with the schedule of meetings and use these facilities fully by starting all meetings promptly at the scheduled time. As there will be no possibility of going beyond the indicated closure times, any late start will mean a loss of conference facilities.

3. Strengthening the commitments in Article 4.2(a) and (b)

8. The AGBM will resume its consideration of this item. The following documents will be available:

(a) The compilation of proposals related, *inter alia*, to the treatment of policies and measures and of QELROs in a protocol or other legal instrument (FCCC/AGBM/1996/MISC.2 and Add.1);

(b) Comments from Parties, including a submission from the Annex I expert group on the UNFCCC presenting analytical information on some policies and measures (FCCC/AGBM/1996/MISC.1/Add.1-3)

(c) A note by the secretariat reviewing relevant conventions and other legal instruments, including approaches to policies and measures and QELROs (FCCC/AGBM/1996/6);

(d) A note by the secretariat on possible indicators to define criteria for differentiation among Annex I Parties (FCCC/AGBM/1996/7);

(e) The second compilation and synthesis of communications from Annex I Parties and its executive summary; (FCCC/CP/1996/12 and Add. 1-3); and

(f) The Second Assessment Report of the IPCC (FCCC/CP/1996/10).

9. The AGBM may also wish to continue its deliberations on the analysis of socio-economic and environmental impacts of policies and measures and QELROs on non-Annex I Parties and conformity with the international trading system (see FCCC/AGBM/1996/5, paras. 34 and 48).

10. The consideration of all of the above issues should be advanced by the round tables that the Chairman will convene during the session (see paras. 4 and 5 above and (FCCC/AGBM/1996/5, paras. 36 and 50). These round tables will provide an opportunity for delegates to have a more focused discussion on particular issues. The Chairman will undertake consultations on the modalities for the round tables and make a proposal when the session opens.

(a) Policies and measures

11. At its third session, the AGBM considered two general approaches to the elaboration of policies and measures - a "menu approach" and a categorization by annex approach (see FCCC/AGBM/1996/5, para. 30). The AGBM may wish to continue its discussion of these orientations with a view to clarifying, refining and better understanding them and to determining if there are other viable approaches. Some attention could be given to:

(a) Possible methods for categorizing policies and measures, including consideration of issues such as sectoral categories, harmonization and the degree of commonality or independence of action;

(b) Possible priorities for policies and measures; and

(c) A mechanism for reviewing progress and coordination, such as a review process, a coordination mechanism, indicators or milestones.

(b) Quantified emission limitation and reduction objectives

12. At its third session, the AGBM identified a number of options and new ideas relating to QELROs (see FCCC/AGBM/1996/5, paras. 42-49). The AGBM may wish to continue its discussion of these options with a view to clarifying, refining and better understanding them, narrowing the range of options and determining if there are other viable approaches. It may be useful to structure the discussion around four main themes:

(a) Level or levels of emission limitation and reduction;

(b) Timing issues: base year and most appropriate end year(s) and any intervening benchmarks or milestones;

(c) The nature of the eventual quantified objectives: whether they should be legally binding or not and whether they should be multi-Party obligations, single Party obligations or a combination; and

(d) Differentiation among Annex I Parties: whether this should be pursued and, if so, how the modalities could be developed in the time frame of the Berlin Mandate and what would the criteria for differentiation be.

4. Continuing to advance the implementation of Article 4.1

13. The AGBM will resume its consideration of this item. The following documents will be available:

(a) The compilation of proposals related, *inter alia*, to continuing to advance the implementation of Article 4.1 (FCCC/AGBM/1996/MISC.2 and Add.1);

(b) Comments from Parties (FCCC/AGBM/1996/MISC.1/Add. 1-2); and

(c) The Group of 77 and China position paper on recommendations on guidelines and format for the preparation of initial communications from non-Annex I Parties (FCCC/SB/1996/MISC.1/Add.1).

14. At its third session, the AGBM identified two basic approaches to this item, namely, that the presentation of the Group of 77 and China position paper had sufficiently advanced the implementation of existing commitments in Article 4.1 and, alternatively, that further

efforts to advance the implementation of Article 4.1, especially regarding mitigation, were required. These are summarized in paragraphs 54 and 55 of document FCCC/AGBM/1996/5. The AGBM may wish to continue its discussion of these approaches with a view to seeking common ground.

5. Possible features of a protocol or other legal instrument

15. The AGBM will resume its consideration of this item. The following documents will be available:

(a) The compilation of proposals related, *inter alia*, to the possible features of a protocol or another legal instrument (FCCC/AGBM/1996/MISC.2 and Add.1);

(b) Comments from Parties (FCCC/AGBM/1996/MISC.1/Add.1-2); and

(c) The note by the secretariat reviewing relevant conventions and other legal instruments (FCCC/AGBM/1996/6).

16. At its third session, the AGBM agreed on the need to avoid the proliferation of new bodies under an amendment or protocol, and stressed the importance of institutional economy in this regard. It was preliminarily agreed that most of the existing institutions under the Convention could serve either an amendment or a protocol.

17. The AGBM may wish to continue its discussion of possible approaches, with a view to narrowing the range of options. In particular, the AGBM may wish to identify specific ways in which the institutional arrangements of the Convention (for example, the secretariat, the subsidiary bodies and the communication and review process) could be used to support a protocol or other legal instrument. Consideration could also be given to using the COP as the meeting of the Parties to a protocol or other legal instrument and to using a consolidated budgeting system.

6. Taking stock and intensifying efforts: report to the Conference of the Parties

18. The COP, by its decision 1/CP.1, requires the AGBM to report to COP 2. This report will be considered during the ministerial segment under item 5 (b) of the provisional agenda of COP 2 after the AGBM has concluded its fourth session. In view of the limited time available at the session, the AGBM may wish to request its Chairman, drawing on the conclusions of the AGBM at its first through fourth sessions, to prepare and deliver a Chairman's report rather than to negotiate an agreed text.

19. The AGBM, at its first session, concluded that COP 2 would be an opportunity to take stock of the overall process and to intensify the efforts to adopt a protocol or other legal instrument at COP 3 (FCCC/AGBM/1995/2, para. 19(e)). In this context, the AGBM may wish to consider the organization of its remaining work through its fifth, sixth and seventh

sessions and the third session of the COP. Adequate preparation for the fifth session in December 1996 will be particularly important. Careful consideration should be given to the design of any requests for inputs from Parties and to any possible requests for action thereon by the AGBM Bureau. The AGBM may wish to identify certain key benchmarks for the completion of its work, including the timing and modalities for the development of a first negotiating text.

7. Report on the session

20. The relatively short duration of the session, as well as the nature and timing of the discussion, may affect the extent to which a draft text of the report on the work of the session could be available at the end of the session. The AGBM may wish to adopt substantive conclusions under the relevant items and sub-items of the agenda and, as at previous sessions, authorize the Rapporteur to complete the report after the session, under the guidance of the Chairman and with the assistance of the secretariat. While every effort will be made to have conclusions available in all languages, this can only be possible if sufficient time is available for translation.

Annex IV

PROVISIONAL AGENDA AND ANNOTATIONS FOR THE SECOND SESSION OF THE AD HOC GROUP ON ARTICLE 13

Geneva, 10 July 1996

I. Provisional agenda

1. The provisional agenda for the second session of the Ad Hoc Group on Article 13 (AG13), proposed after consultation with the Chairman, is as follows:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;
   (b) Organization of the work of the session.

3. Election of officers other than the Chairman.

4. Programme of work during the session:

   (a) Report of the Chairman of the AG13 on the panel presentation and discussion;
   (b) Questionnaire on the establishment of a multilateral consultative process under Article 13;
   (c) Consideration of draft decisions to be remitted to the Conference of the Parties at its second session.

5. Future work of the Group.

6. Report on the session.

II. Annotations to the provisional agenda

1. Opening of the session

2. At its first session, the AG13 decided to convene its second session in July 1996, for a period of three days if possible. The Group also requested the secretariat to organize a half-day panel discussion on experience with consultative procedures that could be relevant to its work (see FCCC/AG13/1995/2, paras. 17-18). Owing to the heavy schedule of the

subsidiary body meetings and the second session of the Conference of the Parties (COP 2), the COP Bureau decided, after consultation with the Chairman of the AG13, that the AG13 would meet for a half-day only on 10 July in the morning. A panel presentation and discussion is scheduled to be held for a half-day on 9 July in the morning.

2. Organizational matters

(a) Adoption of the agenda

3. Owing to the brevity of the session, the provisional agenda mainly focuses on procedural issues relating to the work of the Group. Consequently, it is suggested that the Group defer to its third session discussion of substantive issues relating to the establishment and design of a multilateral consultative process.

(b) Organization of the work of the session

(i) Documentation

4. The present document will serve as the main guide to the issues before the session. In addition, the AG13 will have before it: the report on its first session (FCCC/AG13/1995/2), the report of the Chairman on the panel presentation and discussion for consideration by the Group; the documentation on the compilation and synthesis relating to the questionnaire (FCCC/AG13/1996/1, FCCC/AG13/1996/MISC.1 and Add.1, FCCC/AG13/1996/MISC.2 and Add.1) and the report on the work of the Group's second session, including draft decisions for submission to the COP at its second session.

(ii) Meeting facilities

5. As at the first session, meeting facilities will be arranged to enable the Group to benefit from a less formal working environment.

(iii) Schedule

6. The AG13 will meet for a half-day only, with interpretation from 10 a.m. to 1 p.m. in room XXVI. There may be limited facilities for informal meetings without interpretation, should these be needed. As the session is so short, delegations are urged to start the meeting promptly at the scheduled time.

3. Election of officers other than the Chairman

7. In accordance with rule 27(6) of the draft rules of procedure currently applied by the COP and its subsidiary bodies, the Group is to elect a Vice-Chairman and a Rapporteur. At its first session, the Chairman informed the Group that the regional coordinators were

considering appointments for these offices. It is hoped that the Group will be in a position to elect its officers at its second session. As noted in the annotations to the COP 2 provisional agenda, an alternative procedure would be for these elections to be held by the COP in plenary session as part of a package.

4. Programme of work during the session

(a) Report of the Chairman of the AG13 on the panel presentation and discussion

8. The panel presentation and discussion on consultative procedures is scheduled to take place on 9 July 1996 in room XXIII from 9.30 a.m. to 1 p.m. in English only, and will be chaired by Mr. Patrick Széll, Chairman of the AG13. The Chairman will present his report on the presentation and discussion the following day at the second session of the Group. The arrangements for the panel are outlined below:

9. The secretariat has invited representatives from the following United Nations organizations to present information on consultative procedures: the Centre for Human Rights, the International Labour Organization, and the World Trade Organization. Mr. Hugo Schally (Austria), Chairman of the Implementation Committee of the Montreal Protocol on Substances that Deplete the Ozone Layer, will present an overview of the Committee's non-compliance procedures. In addition, a representative from the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal will provide a brief update on the work of the Ad Hoc Committee for the Implementation of the Basel Convention. In order to provide ample time for questions and debate, each presentation will be strictly limited to seven minutes.

10. Three discussants have been invited to review, in advance, the compilation and synthesis documents described in paragraph 11 below, in order to give seven-minute talks on the emerging approaches to the design of a multilateral consultative process. In so doing, they will also comment on the above-mentioned presentations and on their relevance to the work of the AG13. A question-and-answer period and debate will follow. Discussants have been requested to stimulate these discussions by putting forward pertinent questions and providing input to the debate.

(b) Questionnaire on the establishment of a multilateral consultative process under Article 13

11. In accordance with the decision of the AG13 at its first session (see FCCC/AG13/1995/2, para. 17), compilations of submissions from Parties and non-parties (FCCC/AG13/1996/MISC.1) and from intergovernmental and non-governmental organizations (FCCC/AG13/1996/MISC.2) relating to the questionnaire circulated by the secretariat on a multilateral consultative process and its design, were made available to participants attending the February/March 1996 sessions of the subsidiary bodies. Additional submissions are

presented in addenda (FCCC/AG13/1996/MISC.1/Add.1, FCCC/AG13/1996/MISC.2/Add.1). A synthesis of these submissions (FCCC/AG13/1996/1), prepared by the secretariat, will be made available to Parties prior to the second session of the AG13. Given the short duration of that session, it is suggested that the Group not begin a substantive discussion under this agenda item. Instead, the secretariat and the Chairman could introduce the document and take note of any preliminary comments made by the members of the Group. The issue would be further considered by the Group at its third session.

(c) Consideration of a draft decision to be remitted to the Conference of the Parties at its second session

12. By its decision 20/CP.1, the Conference of the Parties requested the AG13 to "report its findings to the Conference of the Parties at its second session". In this regard, the AG13 agreed, at its first session, that "there was need for careful and detailed examination of all issues relating to the establishment of a multilateral consultative process and its design" and that this would "take considerable time...and would not be completed by COP 2" (see FCCC/AG13/1995/2, para. 16). In consequence, in order obtain an extension of its mandate, the AG13 will need to propose in its report to COP 2 a draft decision to this effect. The AG13 may wish to consider the following elements for inclusion in such a draft decision:

(a) The work of the AG13 will need to continue beyond COP 2 (and perhaps even beyond COP 3);

(b) The AG13 would report on the progress of its work at COP 3;

(c) If the work of AG13 is completed by COP 3, the Group would provide the COP with a report on its findings, including the possible design of a multilateral consultative process.

5. Future work of the Group

14. The third session of the AG13 is scheduled to take place during the period 16-18 December 1996, for a duration of three days. Since the Group has concluded that its work may not be completed before COP 3, at the earliest, it will need to plan its programme of work for the forthcoming year and beyond. In planning its future sessions, it may wish to avoid scheduling conflicts with the sessions of the AGBM. The fifth session of the AGBM is presently scheduled for 9-13 December 1996; its sixth session is scheduled for 3 - 7 March 1997.

6. Report on the session

15. The report on the second session of the AG13 will be mainly procedural, consisting of the Chairman's report on the panel presentation and discussion; a report of the discussions pertaining to the agenda and its annotations; and the report on its work including the draft decisions to be remitted to COP 2. Given that the COP 2 will be convened during the second week of July, the AG13 report on its second session will need to be finalized as quickly as possible for submission to the Conference of the Parties. It is therefore proposed that the Chairman (or Rapporteur, if elected, in cooperation with the Chairman) be given the authority to finalize the report, reflecting the conclusions of, and decisions taken by, the Group at its second session.

Annex V

SECOND SESSION OF THE CONFERENCE OF THE PARTIES
8 TO 19 JULY 1996
TENTATIVE SCHEDULE OF MEETINGS

WEEK 1:

	8/7	9/7	10/7	11/7	12/7
A.M.	COP Plenary	XIX SBSTA AG13 Wkshp XXIII	XIX SBSTA AG13 XXVI	XIX SBSTA SBI XX	XXVI AGBM SBI XX
P.M.	COP Plenary G77 Wkshp XXVI	XIX SBSTA SBI XX	XIX SBSTA SBI XX	XIX SBSTA AGBM XX	XXVI AGBM **

WEEK 2:

	15/7	16/7	17/7*	18/7*	19/7
A.M.	XIX AGBM SBI XX	XIX AGBM SBSTA XX	COP Plenary **	COP Plenary **	COP Plenary **
P.M.	XIX AGBM SBI XX	XIX AGBM SBI XX	Minist. R.table **	COP Plenary **	COP Plenary **

NB The COP plenary will be held in the Salle des Assemblées.
* Ministerial segment.
** Possibility for informal consultations and COP contact groups, as appropriate.